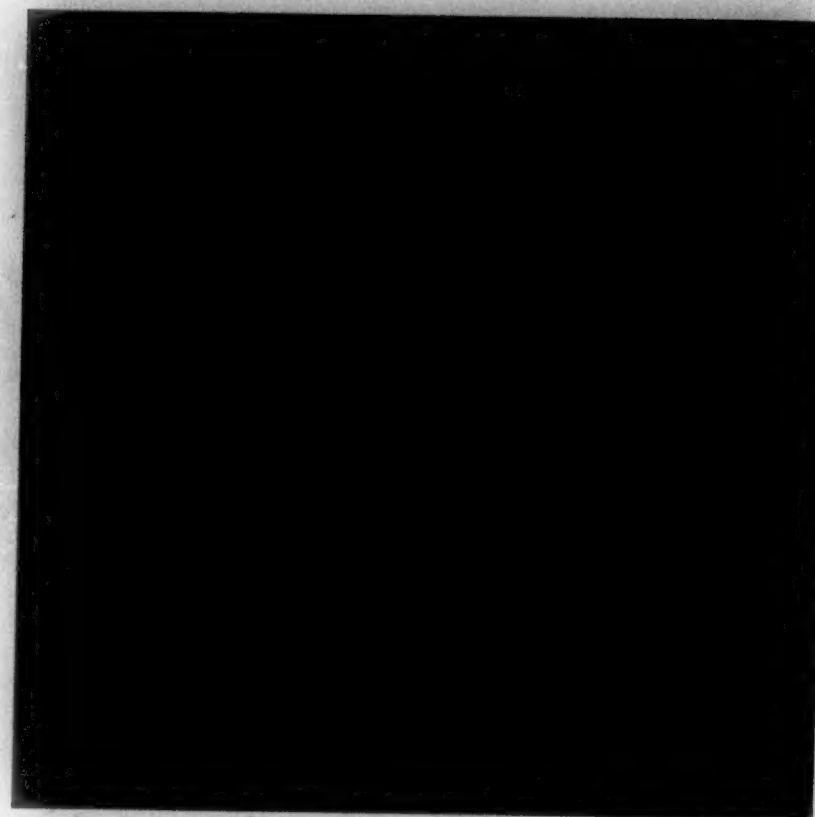
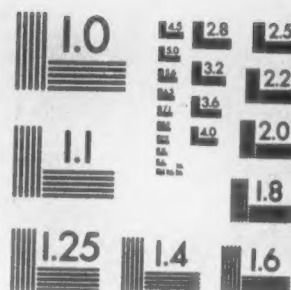
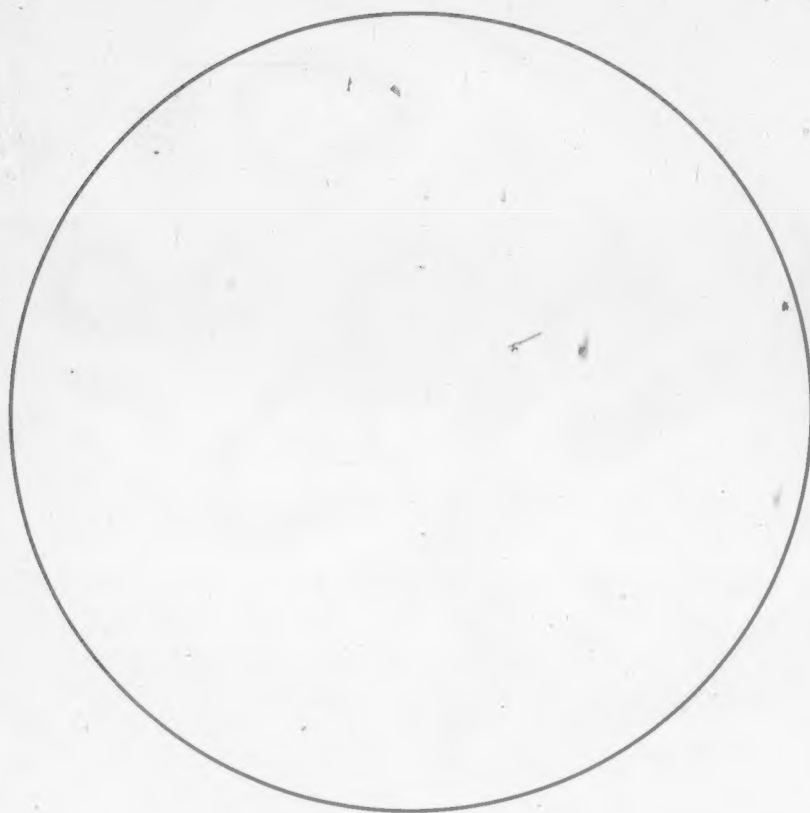
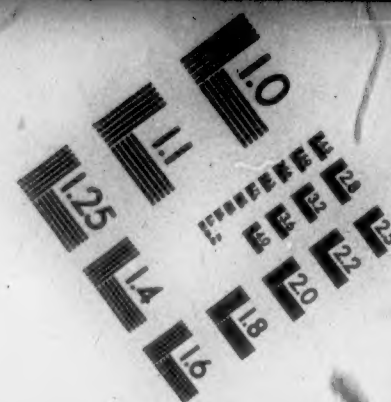
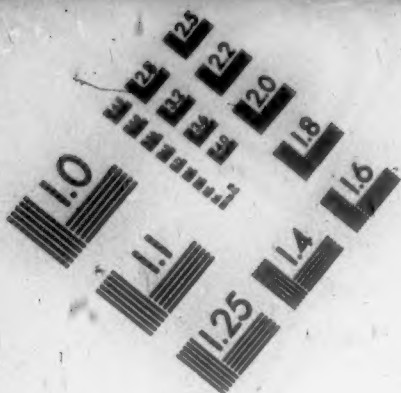
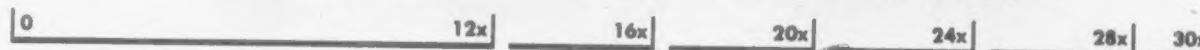


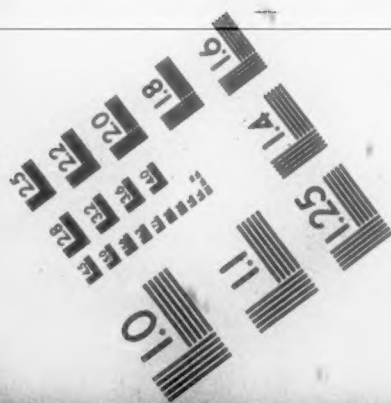
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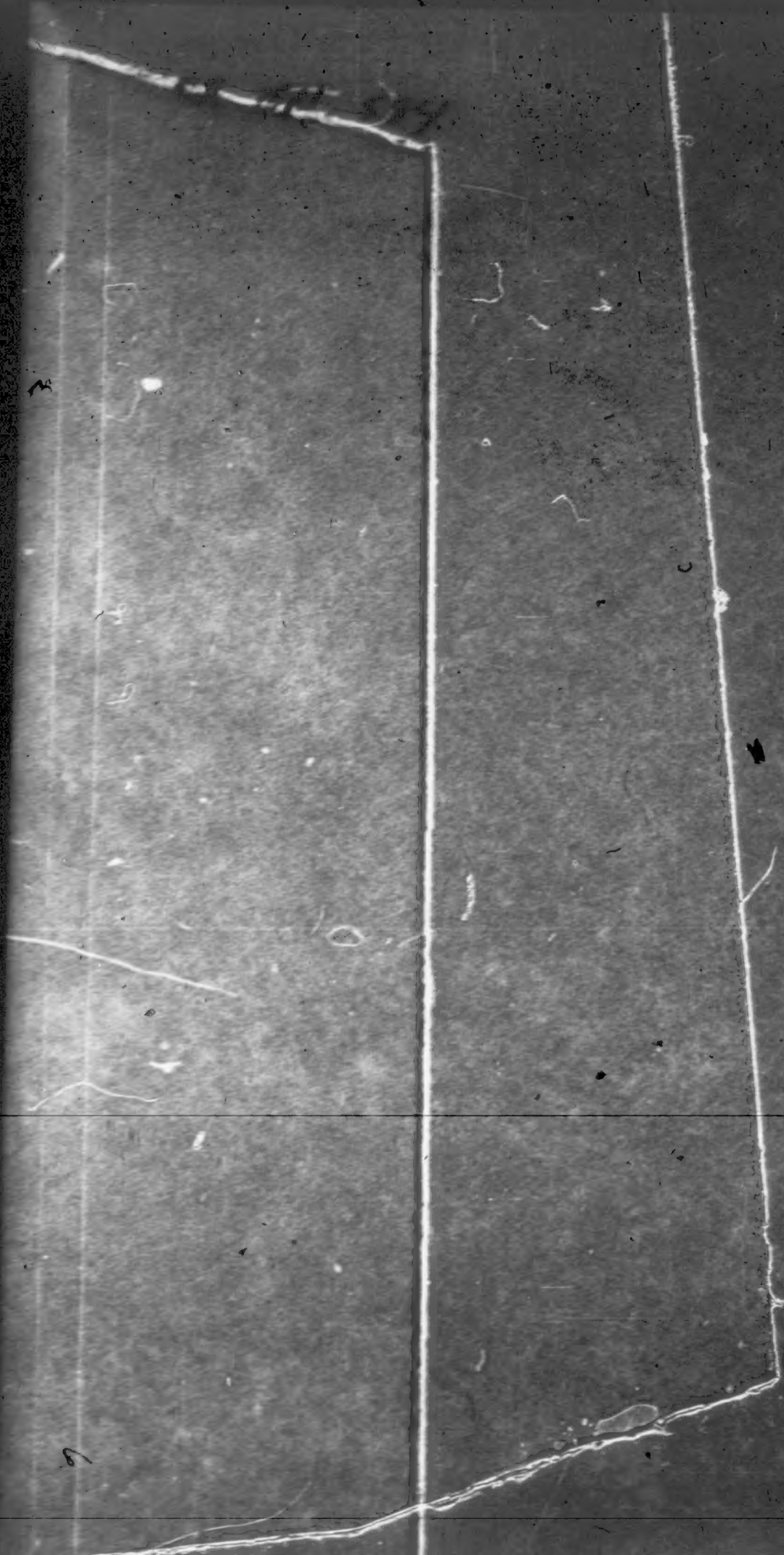
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WASHINGTON: 1965

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T., August 5, 1904.

In the matter of the application for the enrollment of Ellen Wilson as a Creek Freedman.

PATSY WILSON, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Patsy Wilson.  
Q How old are you? A I don't know just exactly my age.  
Q About how much? A Forty-four.  
Q Have you a son named George? A Yes, sir.  
Q Do you make application for the enrollment of Ellen Wilson as a Creek Freedman? A Yes, sir.  
Q Is the child living? A Yes, sir.  
Q Are you the mother of Ellen? A Yes, sir.  
Q What is the name of her father? A Frank Wilson.  
Q He is a state man is he? A Yes, sir.

The records of the Commission examined and it appears that Patsy Wilson is listed for enrollment on Creek Freedman Card, Field No. 150, and that her name is contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior March 13, 1902, No. 542.

- Q How old is Ellen? A She is four years old the 8th day of last December. I think that she was born in 1900.  
Q How do you know that she was born in 1900? A My husband told me.  
Q When did he tell you that? A When the child was born.  
Q Did any body write down in a book the birth of this child? A No, sir.  
Q The child is living I believe you say? A Yes, sir.  
Q Who was present when she was born? A Leah Cuff.  
Q Is she living? A Yes, sir.  
Q What is her post office address? A Okmulgee.  
Q How far does she live from you? A Twelve miles.  
Q How far did she live from you when the child was born? A She still lives at the same place.  
Q Was she at your house when the child was born? A Yes, sir.  
Q Why is it you have waited so long to have this child enrolled? A Just kept putting it off from one day to another.  
Q Didn't you know that the best land was being taken up? A I was waiting to get better land.  
Q Was there any one present besides Leah Cuff when the child was born? A My husband.  
Q What is the name of your child that is next older than this one? A Sarah Ann Wilson.  
Q How old is she? A Seven years old.  
Q Did you have any child between those two? A No, sir.  
Q Have you any brothers and sisters that are enrolled? A One brother.  
Q What is his name? A Dick Jefferson.  
Q Has he a family? A No, sir.  
Q Single man is he? A Yes, sir.  
Q Never been married? A No, sir.



The applicant is advised that the application for the  
admission of John Wilson and Louis Goff to the  
membership of the Order of the Bannockburn was filed  
in this day and week a part of the record book.

I, William H. Hager, do hereby certify that the above and foregoing  
is a true and correct transcript of my proceedings in this  
in said cause on said date.

Subscribed and sworn to before me this 15th day of August, 1904.

*William H. Hager*  
*Charles H. Sawyer*  
Notary Public.

8870  
Cr. En. 594

Muskogee, Indian Territory, December 10, 1904.

Patsy Wilson,

Naudack, Indian Territory.

Dear Madam:

August 8, 1904, you made application for the enrollment of your minor child, Ellen Wilson, as a Creek Freedman. At the conclusion of the evidence then submitted you were advised that the Commission desired testimony of Frank Wilson and Leah Cuff in the case.

You are hereby notified that you will be allowed thirty days from date within which to have said Frank Wilson and Leah Cuff before the Commission at its office in Muskogee, Indian Territory, for the purpose of being examined under oath.

Respectfully,

Chairman.

Register.



2013  
Creek No. 204

Muskogee, Indian Territory, December 10, 1904.

N. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

A copy of the testimony in the matter of the application  
for the enrollment of Ellen Wilson as a Creek Freedman is inclosed.

The Creek Nation will be allowed a reasonable time within  
which to introduce evidence in the case.

Respectfully,

Chairman.

HCH-2-10

1 (copy)

Mauck, Ind. Ty.

Dec. 21. 1904.

Commission to the Five civilize tribes I received a letter yestday in regards to the application I made to you for inrolment of Ellen Wilson a female child borned of me the eight day of Dec 1901

My husband claims to me that he told me that she was borned 1901 I made a mistake that is my reason for not bringing the father and Leah Cuff before you.

I kindly beg you to forgive me for my bad mistake.

respectfully

signed Patsy Wilson.



CA 6D 595

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 2, 1904.

In the matter of the application for the enrollment of Belle Brown as a Creek Freedman.

BELLE BROWN, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Belle Brown.  
Q How old are you? A Twenty-four.  
Q What is your post office? A Muskogee.  
Q Do you make application for enrollment as a Creek Freedman? A Yes, sir.  
Q Did you ever draw any money from the Creek Nation? A No, sir.  
Q Was any money ever drawn for you from the Creek Nation? A No, sir.  
Q Where was you born? A In Arkansas.  
Q How long did you live in Arkansas? A I don't know sir, I can't tell how long.  
Q How long have you been living in the Creek Nation? A I been here four years.  
Q You have been living in the Creek Nation four years have you? A Yes, sir.  
Q What is the name of your father? A Jim Barnett.  
Q Is he living? A Yes, sir.  
Q Is he a citizen of the Creek Nation? A Yes, sir.  
Q What is the name of your mother? A Josephine Johnson.  
Q Are your father and mother married? A Yes, sir, they said they was.  
Q Where was your father living when they were married? A I don't know sir.  
Q Do you know from family history whether they were married in Arkansas or the Territory? No response.  
Q Is your mother living? A Living here.  
Q Do you claim that she is a citizen of the Creek Nation? A No, sir.  
Q She is a state woman is she? A Yes, sir.  
Q Where does your father live? A Okmootah.  
Q Have you ever seen him since you have been here? A Yes, sir, lots of times.  
Q Does he come to see you? A He used to. Haven't seen him in a good while.  
Q Do you go to see him? A No, sir.  
Q How long since you have seen him? A Been over a year. Come to see me when I was sick one time.  
Q Do you know whether your father and mother had a license when they were married or not? A No, sir.  
Q What is the name of your father's present wife? A Malinda.  
Q Has he got any children by her? A I think they got two.  
Q Do you know the names of any of them? A Little boy named Joe.  
Q Do you know what town in the Creek Nation he belongs to? A No, sir.

The records of the Commission examined and it appears that James Barnett is listed for enrollment on Creek Freedman Card Field No. 760, and that his name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 28, 1902, No. 2923.  
An examination of the Dunn Roll shows that he is identified therein at No. 176 as Jim Barnett.

FILE NO. 100-100000

He is also identified as the man who was seen at the  
Belle.

He is identified as the person who was seen at the  
in his father.

The applicant is advised that the man who was seen at the  
Belle is the person who was seen at the Belle and who  
was in this case.

I, Douglas G. Smith, on oath, depose that the above and foregoing  
is a full, true and complete transcript of my stenographic notes  
as taken in said case on said date.

Subscribed and sworn to before me this 10th day of August, 1934.

*Charles H. Smith*  
Notary Public



COMMISSIONER OF THE FIVE CIVILIZED TRIBES  
Muskogee, I.T. August 24, 1904.

No. 125

Supplemental testimony

In the matter of the application for the enrollment of Belle Brown as a Creek Indian.

Belle Brown being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Belle Brown.  
Q How old are you? A 24.  
Q What is your post office address? A Muskogee.  
Q You appeared here some time ago and made application for enrollment, did you? A Yes sir.  
Q Do you want now to include a child of yours in that application? A Yes sir.  
Q What is the child's name? A Delpha May Brown.  
Q Do you claim that the father of this child has any rights in the Creek Nation? A No sir.  
Q If this child has any rights it comes entirely through your father, is that so? A Yes sir.  
Q You are the mother of this child? A Yes sir.  
Q How old is she? A Five years old.  
Q When was she born? A 1890; December 3rd.  
Q 18 what? A 1899.

(The child is present and appears to be of about the age given.)

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes hereported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 29 day of September, 1904.

*[Signature]*  
Notary Public.

Cr. No. 593.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE? I.T. JUNE 9, 1906.

In the matter of the application for the enrollment of  
Belle Brown et al., as Creek Freedmen.

Josephine McClendon, being duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Josephine McClendon.  
Q What is your age? A 25.  
Q What is your post office address? My mail comes to my house.  
Q Muskogee? A Yes sir.  
Q How old did you say you were? A 25.  
Q Are you the mother of that girl there Belle? A Yes sir.  
Q She said she is 24 did you have a child one year old?  
A I don't know how old, they said like I told you.  
Q I can't tell you.

Witness appears to be in the neighborhood and weak minded.

- Q Are you married? A Yes sir.  
Q What is the name of your husband? A Bill McClendon.  
Q Is he the father of this girl here? A No sir, Jim Barnett.  
Q Were you married to Jim Barnett? A By the Nation.  
Q How long did you live with Jim Barnett? A I can hardly tell you.  
When he left me she was about two years old.  
Q How long did you live with him before she was born?  
A I don't hardly know how long, a good while, long before she was  
born. It has been quite a while.  
Q Has Jim and brothers and sisters? A I don't know sir.  
Q I think I heard him say that he had brothers and sisters.  
Q Can you name any of them? A No sir.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
I know what you mean by that.  
Q Have you drawn any payments? A No sir. I haven't drawn any  
payments.  
Q You are not a citizen? A I haven't drawn any payments.

Witness is notified that the testimony of Jim Barnett is  
absolutely and she will be given twenty days from date within which  
to produce it.

I, J.Y. Miller, a stenographer to the Commission to the Five  
Civilized Tribes, do hereby certify that the above and foregoing is  
a true and complete transcript of my notes as same appears in my  
stenographic report of this case.

Subscribed and sworn to before me this 17th day of June, 1906.

*Edw. B. Shies*  
Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
AUGUST 21, 1906.

In the matter of the application for the enrollment of  
Belle Brown as a Creek Freedman.

James Barnett, being first duly sworn, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: James Barnett.  
Q: How old are you James? A: Well I don't know exactly,  
as near as I can come at it I am 47 or 48 years old.  
Q: What is your post-office address? A: Chekota.  
Q: Are you a citizen of the Creek Nation? A: Yes sir.  
Q: You have received your allotment, have you? A: Yes sir.  
Q: You are a Creek Freedman are you? A: Yes sir.  
Q: What is your purpose in appearing here today? Did you come  
to testify in the matter of the application for the enroll-  
ment of Belle Brown? A: Yes sir.  
Q: Where were you born? A: I was born in the Nation here.  
Q: How many times have you been married? A: Twice.  
Q: What is the name of your first wife? A: Her name was Joe  
McClendon.  
Q: Was she called Josephine? A: Yes sir.  
Q: Was she a citizen of any of the Five Tribes? A: No sir.  
Q: She was a State woman, was she? A: Yes sir.  
Q: Where did you marry her? A: In Ft. Smith, Arkansas.  
Q: She was living there when you married her was she? A: Yes  
sir.  
Q: How did you marry her, by license? A: Yes sir.  
Q: How old were you when you married her? A: Well I really  
don't know, I couldn't tell you that how old I was when I  
married her.  
Q: Can't you tell about how old you were? A: Well as far  
as I know, I might have been 18 or 20 years old.  
Q: You think you were between 18 and 20 do you? A: I might  
have been.  
Q: Were you a young bot or a full grown man? A: I was young.  
Q: Do you think you were as much as 20 years old when you  
married this woman? A: Well now I think I was.  
Q: Between 18 and 20? A: Yes sir.  
Q: Do you think you were nearer 18 or 20 when you married her?  
A: Well I now I don't know, I hate to say but I suppose I was  
about 20 years old.  
Q: Who married you? A: I forget the preacher's name who  
married us.  
Q: Did you get a license from the Clerk? A: Yes sir.  
Q: Do you know in what year you married her? A: No sir  
I don't. I didn't keep the year.  
Q: How long were you married to Josephine? A: About 2-1/2 or  
3 years.  
Q: Did you have any children born to Josephine while you were  
married to her? A: Yes sir.

- Q: What is the name of the child that was born to her while you were married to her? A: The name of the child was Belle.
- Q: Belle who? A: Bell Barnett, I suppose it was at that time.
- Q: You understand the nature of an oath do you? You understand that when you raise up your hand to swear, you understand what that signifies do you? Do you understand what that means? A: Yes sir, that I am supposed to tell the truth as near as I can.
- Q: Do you understand what the penalty could possibly be or would be if you swear falsely on a material point? A: No sir, I don't.
- Q: Well I am not telling you this for the purpose of intimidating you but that you may be careful in your statements, that is a person swears falsely on a material point in a case he is liable to a penitentiary punishment.

I will ask you again, was there a child born to you and Josephine during the time you were married to her?

- A: There was a child born, yes sir, during the time we were married.
- Q: That child was named what? A: Belle.
- Q: Is that Belle you refer to, the witness who was here in the room a minute ago? A: Yes sir.
- Q: Are you sure? A: It is the same child. Yes, she is the same child.
- Q: How long after you were married was this child born?
- A: It might have been about ten and a half months.
- Q: After you were first married? A: Yes sir.
- Q: How long did you live with Josephine? A: I stayed with her between 2-1/2 or 3 years as near as I could tell you.
- Q: Did you get a divorce from her? A: No sir we just separated.
- Q: Is Josephine living now? A: Yes sir.
- Q: What is Josephine's name at the present time? A: Now I don't know what her husband's name is.
- Q: What is the name of your second wife? A: Malinda.
- Q: Are you living with her now? A: Yes sir.
- Q: How long after you were divorced did you marry Malinda?
- A: Oh, it has been about 5 years, I expect 4 or 5 years.
- Q: Well did you leave your baby girl with Josephine?
- A: Yes sir.
- Q: Did you leave them in Arkansas? A: Yes sir.
- Q: And you came to the territory? A: Yes sir.
- Q: Well how many years after you left Josephine was it before you saw this person Belle? A: I couldn't tell you but it must have been about between 3 and 4 years, I guess, after I left their town there until I seen her.
- Q: Did you recognize that she was your child? A: Yes I had to recognize her according to what the mother says.
- Q: Have you done anything in the way of supporting that child since you left her mother in Arkansas?
- A: No sir, I never have done a thing for her.
- Q: Where did you see her this 4 or 5 years after you left the mother? A: I went back down there and I seen her.
- Q: Just on a visit? A: Yes sir.
- Q: When did you see her the next time?
- A: I didn't see her until she came up here.
- Q: You didn't see her from the time she was about 6 years old?
- A: I don't know how old she was the last time I saw her, I never try to keep up with the ages or time at all.

- Q: Well about how many years do you think it was from the time you saw her as a little girl in Arkansas until you saw her again? A: From the time I saw her down there up to the time she came up here she claimed to be 20 years old.
- Q: How many years ago is that she came up here?
- A: I couldn't tell you, it has been a good long while ago.
- Q: How old is this Belle Brown now? A: She must be something near, as near as I could say, 25 or 26 years old.
- Q: Do you know in what year she came to the territory?
- A: No sir.
- Q: Did she come here last year? A: She has been here longer than 3 years.
- Q: Has she been here 4 years? A: I expect she has been here 4 or 5 years or more.
- Q: How was it you didn't see her from the time she was 5 or 6 years old up to 4 years ago and you could recognize her as your child, how do you account for that? A: I recognized her on account of her mother saying she was my child.
- Q: Is that the only way you could recognize her from the statement of her mother? A: Well I lived with her, that is the only way I could recognize her.
- Q: You were never divorced from her mother were you? A: No sir.
- Q: Yet you married another woman? A: Yes, I married another woman.
- Q: Have you a copy of that marriage license or certificate that you stated you got over there in Fort Smith?
- A: No sir, I haven't got it.
- Q: Who has got it? A: She might have it, I don't know whether she has got it or not but I haven't got it.
- Q: Have you any children who are on the Creek Tribal Rolls?
- A: One.
- Q: How old is that child? A: She is 12 years old going on 13.
- Q: Did you ever make any application to have Belle Brown put on the rolls? A: Yes sir.
- Q: When? A: When they just commenced filing.
- Q: Where? A: Over there to the Court-house where they opened up.
- Q: Did you know that Belle Brown was living then? A: No sir.
- Q: I didn't know that she was living but I left her down there.
- Q: You left her in Fort Smith? A: Yes sir.
- Q: What was done for you when you tried to make the application? A: They claimed she wasn't here and they couldn't enroll her.
- Q: Are you positive about what you are stating now? A: Yes sir.
- Q: I told who was her father and who was her mother.
- Q: Did you ever make application after that? A: We came in here once after that. I and her.
- Q: You and who? A: I and Belle.
- Q: Was that right after she came from Arkansas? A: No sir.
- Q: It was a good while after she came from Arkansas.
- Q: Well what was done then? A: There wasn't anything done.
- Q: Why not? A: I don't know, they claimed they couldn't do it, that is all.
- Q: You never drew any money for this girl did you? A: No sir.
- Q: Her name was never put on any of the Creek Tribal Rolls, was it? A: No sir, it was not on any rolls at all.



- Q: How do you account for the fact that the applicant's name is Belle Brown? A: She married a fellow by the name of Brown I think.
- Q: Where was she married to him? A: I think she was married to him right here in Muskogee if I am not mistaken.
- Q: It is rather a peculiar circumstance that the first record of any application we have by Belle Brown's enrollment as a Creek, was made in August of 1904; how do you account for it? ~~Why wasn't~~ there an application made before?
- A: Why I don't know. I don't know why it wasn't made before I only came and tried to enroll her as she claimed to be my daughter, and I couldn't and I never bothered with it any more.
- Q: How do you positively swear that this is your daughter?
- A: I wouldn't swear it, I wouldn't go to work and swear positively that it was my daughter.
- Q: Is this girl the same child that was born to you ever at Ft. Smith? A: It is supposed to be the same child.
- Q: Do you know that this girl is the same child that was born to your wife Josephine in Fort Smith? A: Yes sir.
- Q: Do you know so? A: Yes sir, I know it.
- Q: How do you know it? A: I know it because I left her down there when I came up here.
- Q: You know it by the statements of her mother do you?
- A: Yes, that is all I can go by, the statements of her mother.
- Q: Do you remember about June in the year 1904 there were certain printed lists of Creek Citizens that couldn't be accounted for, do you remember of seeing any of these lists in June 1904? A: No sir.
- Q: Do you remember of anybody telling you about these lists?
- A: No sir I never.
- Q: But you never saw this Belle Brown from the time she was a little girl 4 or 5 years old until she was a grown woman.
- A: I didn't see her from the time I left down here, from the first time I left down there--I went back there when she was a little girl.
- Q: About how old was she? A: She was---I guess she must have been about 3 or 4 years, at that time as near as I can recollect.
- Q: That was after you had left her mother?
- A: Yes sir, after I left her mother and came up here and then went back there.
- Q: When you went back there you found a little girl three or four years old?
- A: Yes, she appeared to be 3 or 4 years old.
- Q: Then you didn't see her again until she was how old?
- A: When she came up here she said she was 20 years old.
- Q: Was she married when she came up here?
- A: No sir, I don't think she was married.
- Q: What name was she going under when she came up here? A: I guess she was going under my name I couldn't say what name she was going under.

Belle Brown, being first duly sworn testified as follows:

Questions by Commissioner:

- Q: ~~What~~ is your name? A: Belle Brown.

- Q: How old are you? A: 24.
- Q: What is your post-office address? A: Muskogee.
- Q: Are you the identical Belle Brown who appeared here in August 1904 and made application to be enrolled as a Creek Freedman? A: Yes sir.
- Q: Where were you born? A: I don't know, in Arkansas somewhere or other.
- Q: You have lived in Arkansas most of your life? A: Yes sir.
- Q: How long have you lived in Arkansas? A: I don't know how many years it was I lived there, until I was grown, about 19 years I guess.
- Q: When did you come to Indian Territory? A: About 5 years ago.
- Q: Do you remember what year you came here? A: No sir, I came here in August.
- Q: Was it August 1901, or 1902 or 1903? A: I don't know sir, what year it was.
- Q: Were you married when you came here? A: No sir.
- Q: You have since married have you? A: Yes sir.
- Q: What was your name prior to your marriage? A: I went by the name of the old people who raised me, Bell Graves.
- Q: Did you ever go by the name of Bell Barnett? A: No sir not as I know of, they always called me Bell Graves until I married.
- Q: When was it you married? A: I have been married six years the 13th day of October.
- Q: Where did you marry? A: Were in Muskogee.
- Q: Have you lived here in Muskogee ever since your marriage? A: Yes sir.
- Q: Are you and your husband living together now? A: Yes sir.
- Q: What is his name? A: Rufus Brown.
- Q: Is your mother living? A: Yes sir.
- Q: Where is she living? A: On South 6th. street.
- Q: Did she come to the territory with you? A: No sir she was already here.
- Q: She left you in Arkansas? A: Yes sir.
- Q: How old were you when she left you in Arkansas.
- Q: She let some old people raise me.
- Q: How old were you? A: When she let them have me, about 3 years old I guess.
- Q: Well was she living in the same town with those people or did she leave this town when she left you with those people
- A: She lived in town a good while and worked and the old people lived in the country, and I didn't know where she was until I heard of her being up here.
- Q: She left you when you were three years old? A: She gave me to the old people.
- Q: White people, were they? A: Colored people.
- Q: How long did they take care of you? A: Until I was about 18 years old.
- Q: Then what did you do? A: She sent for me and I came up here.
- Q: Did your mother tell you that she was married? A: Yes sir.
- Q: Did she tell you your father's name? A: Yes sir.
- Q: When did she tell you that? A: After I came up here.
- Q: You never heard you father's name until you came to the territory some 5 or 6 years ago? A: No sir.
- Q: You never knew your father's name until that? A: No sir he wrote and told her to have me come up here.

- Q: Who did? A: My father she said.
- Q: As a matter of fact do you know whether or not your father and mother were ever married? A: No sir only what they said, they said they were, I heard them say today they were.
- Q: When did you first see this man you call your father?
- A: Directly after I came up here he came to see me.
- Q: He came to see you? A: Yes sir.
- Q: Did your mother state that this man was your father, this man who preceded you on the witness stand here?
- A: Yes sir.
- Q: Have you a child? A: Yes sir.
- Q: What is the name of that child? A: Delphi May Brown.
- Q: Is that child living? A: Yes sir.
- Q: Living with you? A: Yes sir.
- Q: How did you happen to come over here to the territory?
- A: I got letters from her.
- Q: From your mother? A: Yes sir, she sent for me.
- Q: Did she know you were living? A: Yes sir.
- Q: How did she know that? A: Why I heard from her all the time, off and on.
- Q: Did you ever see your mother from the time you were given into the hands of the Graves people until you came to the territory? A: Yes, she stayed in town a good while after she gave me to these people.
- Q: Did she stay in town two or three years after she gave you to these people? A: Yes sir, longer than that I guess.
- Q: I don't want any guess work, I want the truth?
- A: I am telling you the truth.
- Q: How long did she stay in town? A: (No answer)
- Q: Do you remember of ever seeing your mother before you came to this town? A: Yes sir.
- Q: Did she write and tell you to come over here? A: Yes she certainly did.
- Q: The first time you ever tried to be enrolled as a citizen of the Creek Nation was in August 1904, is that correct?
- A: Yes sir.
- Q: You never tried to be enrolled as a citizen before that time, did you? A: No sir.
- Q: Do you know whether anybody else tried to have you enrolled as a citizen of the Creek Nation before August 1904?
- A: My father and I came up to see about it one time.
- Q: Where did you go? A: Down stairs yonder.
- Q: Where down stairs? A: In the same building.
- Q: In what year? A: I don't know what year it was.
- Q: Was it the same year you made this application? A: It was before then.
- Q: How long before? A: About two years before then I reckon.
- Q: Well how do you account for the fact that you never went by the name of Bell Barnett, but that you have been known by the name of Bell Graves? Yet you state your father's name was Jim Barnett? A: I just went by the name of these old people that is what everybody called me.
- Q: They didn't know who your father was did they?
- A: No sir, not as I know of.
- Q: When did you first know your father's name?
- A: As soon as I came up here.
- Q: Your mother never told you before you came up here as to who your father was? A: No sir because I never was with

- her, she gave me to the old people.
- Q: Yet you say you received letters from her? A: Yes but I never asked nothing about my father.
- Q: You wrote letter to her? A: Yes sir.
- Q: You didn't ask her or know anything about your father until you came up here? A: All the father I ever knew was them old people.
- Q: You were about 20 years old when you came to the Territory wasn't you? A: Yes sir.
- Q: You didn't know when you came to the territory who your father was, that is what you have stated? A: No sir.
- Q: Wasn't it? Queer that you should be in total ignorance as to the name of your father or the identity of your father and not know anything about him at all, until after you had been sent for by a certain woman to come to the territory. A: It was my mother.

Jim Barnett being recalled, testified as follows:

Questions by Commissioner:

- Q: Jim you stated a minute ago that you saw your daughter Belle in VanBeuren when she was a small child 3 or 4 years old?
- A: Yes, I suppose she was about that age.
- Q: Was she living in VanBeuren; was she living with her mother then? A: Yes sir.
- Q: Were they living in the town of Van Beuren? A: No sir they was living out a good ways from town.
- Q: She was three or four years old then? A: I couldn't state positively, I think she was.
- Q: Did she continue to live with her mother a number of years over there? A: No sir, I don't know for certain but I think she put her with some folks down there after she got a pretty good size.
- Q: Now Jim I am going to ask you a question and I want a straight answer? A: If I know anything about it I will tell you.
- Q: Do you remember when this applicant here, this woman first came to the territory? A: No sir, I couldn't tell you to the day or month when she first come here.
- Q: How ~~do you know~~ did you know that she was here at all? How did you come to know that she was over here?
- A: I seen her here.
- Q: How did you know her? How did you recognize her?
- A: Why I recognized her from the time I had seen her.
- Q: From the time she was 3 or 4 years old and she comes over here a woman grown, of 20 years of age and you recognized her and you hadn't seen her any between that time at all?
- A: Once.
- Q: Where? A: I went down there. I went back down there from the time I and her mother separated and I went back yonder.

- Q: You went back there as you stated previously you went back there when this daughter of yours or Bell was three or four years old. A: Yes sir.
- Q: You said you never saw her again until you saw her here in the territory is that correct? A: Yes sir.
- Q: How is it you could recognize a grown woman, recognize her on the street and never had seen her from the time she was 3 or 4 years old? Did you recognize her as your daughter or did somebody tell you that this woman was your daughter, how was it? A: I met her right up here in the street.
- Q: Was she walking by herself? A: Her and her mother.
- Q: She and her mother? A: Yes sir.
- Q: You saw this girl and your former wife walking together? A: Yes I met them right there on the street?
- Q: Did your former wife tell you that this was her child? A: Yes sir, the same child.
- Q: The applicant has testified that she never went by the name of Barnett, that she went by the name of Graves? A: She might have I told you a while ago, I didn't know what name she went by.
- Q: If you had been married to the mother of this applicant don't you think that the applicant would have gone by the name of Barnett instead of Graves? A: Yes, it seems like she would have gone by the name of Barnett.
- Q: If you are the father of this child, wouldn't it look reasonable to presume that the child would know who her own father was before she came to the territory? The applicant has stated that she didn't know who her father was until she came to the territory 5 or 6 years ago. A: It might have been, I couldn't say that she did know.
- Q: You lost track of the child that you saw over there in Arkansas and who was 3 or 4 years old, for something like 15 years didn't you, or for 16 years you lost track of her? A: Yes sir, from the time I seen her there I never seen her until I seen her here. I couldn't tell you how long it has been.

Belle Brown being recalled, testified as follows:

Questions by Commissioner:

- Q: How old were you when you were given to this family of Graves? A: They said I was 3 years old going on 4, that is what my mother said.

Jim Barnett, recalled testified as follows:

- Q: As a matter of fact did you see her when you went back there to Ft. Smith? A: Yes sir.
- Q: At the time you state she was 3 or 4 years old? A: Yes sir, I seen her.
- Q: You also said that she was with her mother? A: She was with her mother when I saw her.



- Q: The applicant here has testified that when she was 3 or 4 years old or between 3 and 4 years old that she was given to these Graves people. Now could you have seen her with her mother then and was she in the Graves family?
- A: I told you I don't know. She was about 3 or 4 years old, she might have been younger than that.

Q: Julia Brown being the mother of the child as follows:

- Q: Is Josephine McFarland living in town? A: Yes sir.
- Q: Has she got a marriage license showing that she was ever married to Jim Barnett? A: I don't think she has.

I, Julia O. Laval, on my oath state that the above and foregoing is a true and correct manuscript of my stenographic notes as taken by me in said cause on said date.

Julia O. Laval

Subscribed and sworn to before me this 5 day of September, 1906.

Edward Merrick  
Notary Public.

642.595 ABL

7/10/7 JH

I don't agree with  
this decision. I believe case  
is a fraud. In the first  
place reliability of report is  
not clear and I don't believe  
she was a resident of 91  
on June 28, 1895  
HSD

Consider the evidence  
of identity weak  
and do not agree  
with the finding as  
to domicile.

Would consider that  
the Graves family  
were in loco parents.

Looks crooked.

JH

Delpha May Brown  
applicant for en-  
franchisement as Creek  
Freedman.

Her father Rufus  
Brown and alleged  
African blood or adoption  
of Choctaw nation.  
desire status of both  
as Choctaws. A.B.

Indelpha May  
Brown  
Freedman  
Creek  
Can identify with  
A.B.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Belle Brown and Delpha May Brown as Creek freedmen.

## D E C I S I O N.

The record in this case shows that on August 5, 1904, application was made for the enrollment of Belle Brown as a Creek freedman. Further proceedings were had on August 24, 1904, June 9, 1905, and August 21, 1906. The affidavit of Belle Brown, executed on June 9, 1905, is attached to and made a part of the record herein.

In the proceedings had on August 24, 1904, application was made for the enrollment of Delpha May Brown as a Creek freedman, which action is considered as a continuing application for her enrollment as such, under the provisions of the Act of Congress approved April 26, 1906, (34 Stats.L. 137).

The weight of the evidence and the records in the possession of this office show that the applicant, Belle Brown, is the daughter of James Barnett, a duly enrolled citizen of the Creek Nation, whose name appears on a partial schedule of Creek freedmen approved by the Secretary of the Interior, March 28, 1902, opposite number 2935, and on the roll of Creek freedmen prepared by J. W. Dunn, in 1867 opposite number 176, and Josephine McClendon, a non citizen, who was his wife at the time of the birth of Belle Brown.

It further appears from the evidence in this case that Belle Brown was born in the State of Arkansas about the year 1860 and that when she was about three or four years of age, she was given into the care of a negro family named Graves, by her parents, James Barnett and Josephine McClendon, without, however, being legally adopted by the said Graves family; that shortly thereafter the said James Barnett, and yet a little later Josephine McClendon, removed to the Creek Nation, where they established a residence and continuously resided up to the date of the last proceedings had herein, and that about the year 1900, the said Belle Brown removed to the Creek Nation, where she also continuously lived up to the time of the last proceedings had in this matter.

To reach a proper decision in this matter, the residence of Belle Brown, on June 28, 1898, must be determined. Although she was not actually living in the Creek Nation on said date, yet her residence was in said Nation inasmuch as her parents had established a residence therein prior to that

time. On said date, Belle Brown, as it appears from the evidence, could have been but a few days more than eleven months over, and she may have been one month under, eighteen years of age. In the latter event she was undoubtedly a resident of Indian Territory, inasmuch as she was a minor, and it is a well established rule of law that the domicile of a minor is the domicile of its parents, and that a minor is incompetent to change its domicile. On the other hand, if she were eleven months over eighteen years of age on June 28, 1898, which, as it appears from the evidence, is as old as she could have been, there is nothing to show that she intended to change her domicile, but on the contrary, from her conduct subsequent thereto, there appears a well defined intention to retain the domicile of her parents' adoption. The question as to whether or not a person has acquired a domicile in any given place, depends largely upon his actual or presumed intention and the fact that one lives in a certain place, for however long a time it may be continued without the intention of permanently making it a home, does not constitute a domicile.

It further appears from the weight of the evidence and the records in the possession of this office that the applicant, Delpha May Brown, is the minor child of Rufus Brown, an alleged Choctaw freedman, but who is not identified as such from the records in the possession of this office, and the principal applicant herein, Belle Brown. The testimony of Belle Brown taken in this matter on August 24, 1904, is hereby considered to be an election that Delpha May Brown be enrolled in the Creek Nation, if entitled in either the Creek or Choctaw Nations. It does not appear from the evidence or the records in the possession of this office that application has ever been made for the enrollment of said Delpha May Brown as a citizen or freedman of the Choctaw Nation.

In view of the facts in this case, and the provisions of the Acts of Congress approved March 1, 1901, (31 Stats.L. 861), and April 26, 1906, (34 Stats. L. 137), I am of the opinion that the applicants, Belle Brown and Delpha May Brown, are entitled to be enrolled as Creek freedmen, and the application for their enrollment as such is accordingly granted.

Muskogee, Indian Territory.

COMMISSIONER.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Belle Brown and Delpha May Brown as Creek Freedmen.

## D E C I S I O N.

The record in this case shows that on August 5, 1904, application was made for the enrollment of Belle Brown as a Creek freedman. Further proceedings were had on August 24, 1904, June 9, 1906, and August 21, 1906. The affidavit of Belle Brown, executed on June 9, 1906, is attached to and made a part of the record herein.

In the proceedings had on August 24, 1904, application was made for the enrollment of Delpha May Brown as a Creek freedman, which action is considered as a continuing application for her enrollment as such, under the provisions of the Act of Congress approved April 26, 1906, (34 Stat. L., 137).

The evidence and the records in the possession of this office show that the applicant, Belle Brown, is alleged to be the daughter of James Barnett, a duly enrolled citizen of the Creek Nation, whose name appears on a partial schedule of Creek freedmen approved by the Secretary of the Interior March 25, 1902, opposite roll No. 2938, and on the roll of Creek freedmen prepared by J. W. Dunn in 1867, opposite No. 178, and Josephine McClendon, a citizen of the United States, who is alleged to have been the wife of the said James Barnett at the time of the birth of the applicant, Belle Brown.

The evidence further shows that the applicant, Belle Brown, was born in the state of Arkansas about the year 1880; that she was given to a negro family named Graves by her alleged parents; that shortly thereafter said alleged parents removed to the Creek Nation and never have contributed to the support of the applicant, Belle Brown, who remained as the alleged adopted child of the Graves family until not earlier than the year 1900, when the said applicant removed to the Creek Nation.

The evidence clearly shows that the said Belle Brown never established a permanent residence in the Indian Territory and there is no evidence to show any intention on the part of the alleged parents to establish such residence for her during her minority prior to June 30, 1906.

The testimony of the alleged father is so contradictory as to give rise to serious doubts as to the paternity of the said applicant, but if said parentage were admitted, the evidence shows that said Belle Brown had been given to the Graves family, the residence of whom, necessarily follows would govern the residence or domicile of said Belle Brown.

The records of this office fail to show that the name of the applicant herein, Belle Brown (or Barnett or Graves), appears as a recognized citizen of the Creek Nation.

It further appears from the weight of the evidence that the applicant, Delpha May Brown, is the minor child of one Rufus Brown, an alleged Choctaw freedman, but who is not identified as such by the records of this office, and Belle Brown, the principal applicant herein.

It is, therefore, ordered and adjudged that even if it were established that the applicant, Belle Brown, is the child of the said James Barnett, it is clear that under the provisions of Section 21 of the Act of Congress approved June 28, 1896, (30 Stats. L., 495) and the Act of March 1, 1901, (31 Stats. L., 137), said Belle Brown is not entitled to enrollment as a Creek freedman and the said Delpha May Brown is not entitled to enrollment as a Creek freedman for the reason that her rights to enrollment depend entirely upon the rights of her mother and the application for their enrollment as such is accordingly denied.



COMMISSIONER.

Muskogee, Indian Territory,

FEB 27 1907

Or 13 896

Muskogee, Indian Territory, May 22, 1906.

Helle Brown,

Muskogee, Indian Territory.

Dear Madam:

The Commission desires further evidence in the matter of the application for the enrollment of yourself and minor child, May Brown, an Creek-Freedman.

You are hereby advised that you will be allowed thirty days from date within which to appear before the Commission, at its office, in Muskogee, Indian Territory, with James Barnett, the midwife, and at least one other witness who knows the date of the birth of your said child, May Brown. In the event no further evidence is offered within the time mentioned, the case will be adjudicated upon the record now before the Commission.

Respectfully,

Chairman.

Register.

74226

REPORT IN REPLY TO THE FOLLOWING
No. 525

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 27, 1905.

Belle Brown,

Muskogee, Indian Territory,

Dear Madam:

Further evidence is required in the matter of the application for the enrollment of yourself and your minor child, Delpha Kay Brown, as Creek Freedmen,

You are hereby notified that you will be allowed twenty days from date hereof within which to appear before the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, with the alleged father of Jim Brown and at least one other witness who can identify you as the person you claim to be.

Respectfully,



Commissioner.

Register.



Cr. En. 598

Muskogee, Indian Territory, September 25, 1905.

Belle Brown,

Muskogee, Indian Territory.

Dear Madam:

Further evidence is desired in the matter of the application for the enrollment of yourself and your minor child, Delpha May Brown, as Creek freedmen.

You are hereby notified to appear before the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, within twenty days from date, with your alleged father, James Barnett, for the purpose of giving testimony under oath.

Respectfully,

Commissioner.

J. O. Warner  
Muskogee, I. T.  
200 N Broadway  
Oct

Dr. J. M. 1908

Muskogee, Indian Territory, February 27, 1907

Melle Brown,

General Delivery,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of yourself and minor child, Delpha May Brown nee Creek Freedmen, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of same.

Respectfully,

Commissioner.

LM 216  
Register.

Cr. No. 508

Muskogee, Indian Territory, February 27, 1907.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of Belle Brown and her minor child, Delpha May Brown as Creek Freedmen, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of same.

Respectfully,

IM218

Commissioner.

Muskogee, Indian Territory, February 27, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted record of proceedings had in the matter of the application for the enrollment of Belle Brown, and her minor child, Delpha May Brown, as Creek freedmen, including the decision of the Commissioner to the Five Civilized Tribes denying said application.

Respectfully,

Commissioner.

L.M. 220  
Through the Commissioner  
of Indian Affairs.



DEPARTMENT OF THE INTERIOR  
WASHINGTON.

I.T.F. 7764-1907.

March 4, 1907.

DIRECT.

LRS.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department has considered the following citizenship cases received with your letters of February 25, 26 and 27, 1907, and Indian Office letter of March 2, 1907, (Land 21229 et al), copy inclosed, and in accordance with the recommendation made by you and the Indian Office the application in each case is rejected:

Title of case.

George and Julia McIntosh, deceased (freedmen)  
Belle and Delpha May Brown (Freedmen)  
Peggy McCoy (Freedman)  
Lena McFirt (Creek)  
Julia Grayson, deceased (Creek)  
Gowarpe, Ithas Harjo and Nowike (Creeks)  
Ophila Harjo (Creek)  
Louana Johnson (Creek)  
Sampson Harjo (Creek)  
Ivy Richardson (Cherokee freedman)  
Hester and Myrtle Powell (Cherokee freedmen)  
George Sutherland (Cherokee)  
Lawrence Smith (Creek freedman)  
John W. Vaughn et al., (Cherokees)  
Louis A. Lafallier (Cherokee)

A copy herEOF has been sent to the Indian Office.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inclosure. WCF 3/4/06.

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON.

LAND

References  
at bottom  
of letter.

March 2, 1907.

The Honorable,

The Secretary of The Interior.

Sir:

There are forwarded herewith several reports of Commissioner Bixby and records in the following named citizenship cases, together with the Commissioner's decisions denying the applications for enrollment of the persons involved in each case:

Cherokee citizens by blood      John W. Vaughn, et al.,

Cherokee citizens by intermarriage      George Sutherland  
Louis A Lafallier

Cherokee freedmen      Hester and Myrtle Powell  
Ivy Richardson

Creek citizens by blood      Sampson Harjo  
Louanna Johnson  
Ophila Harjo  
Cesarpe, Ithas Harjo, and Mewin  
Julia Grayson  
Lena McGirt  
Belle Brown and Delpha May Brown  
Lawrence Smith  
George and Julia McIntosh  
Peggy McCoy

The Office has examined the record in each of the above cases and recommends for approval the decisions of the Commissioner denying the applications.

There are also forwarded herewith briefs and affidavits to be considered in connection with the following cases, which have heretofore been forwarded to the Department:

Cheater by blood H. D. Brown, et al.  
 Cheater intermarried citizen Martin H. Yarnum  
 Cheater citizen by blood Mary Ann Vandergriff  
 Cheater intermarried d blood Little Peak  
 Cheater intermarried citizen Sam Crawford  
 Cheater intermarried citizen Mary Jane Williams

Very respectfully,

H. D. Larrabee,

Acting Commissioner.

AJV-M

21229-1907	21271-1907	21265-1907
21226	21270	21221
21230	21269	21222
21236	21277	21224
21237	21268	21248
21273	21267	21223
21272	21266	21225

Cr. No. 595.

Muskogee, Indian Territory, March 15, 1907.

Belle Brown,

General Delivery,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of yourself and minor child, Delpha May Brown, as Creek Freedmen.

Respectfully,

Commissioner.

IM.



CR EN 596

CR EN 596

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 3, 1904.

In the matter of the application for the enrollment of Sam Lampkins as a Creek Freedman.

APPEARANCES, R. L. Mett Attorney for Creek Nation:

SAM LAMPKINS, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Sam Lampkins.  
Q What is your age? A Thirty-two.  
Q What is your post office address? A Grayson.  
Q In the Indian Territory? A Yes, sir.  
Q Do you make application for enrollment as a Creek Freedman? A Yes, sir.  
Q Where do you live? A I am now living with my brother at Wildcat.  
Q In the Creek Nation? A Yes, sir.  
Q How long you been living in the Creek Nation? A Nine days.  
Q Where did you come from? A Texas.  
Q How long had you been away from the Creek Nation when you came here nine days ago? A I been away about eight years.  
Q Where is your home now? A In the Creek Nation?  
Q Have you a family? A No, sir.  
Q What were you doing in Texas? A Working in a Barroom.  
Q Have you returned to the Creek Nation for the purpose of making it your home? A Yes, sir.  
Q Do you own any property in the Creek Nation? A No, sir.  
Q Do you intend to go back to Texas? A I don't know sir, I may go back there some day.  
Q Did you ever draw any money from the Creek Nation? A No, sir.  
Q Was your name ever placed on the Creek Tribal Rolls by the Creeks? A No, sir. Not as I know.  
Q What is the name of your father? A Henry Lampkins.  
Q Is he living? A Living.  
Q Do you claim that he is a citizen of the Creek Nation? A No, sir.  
Q What is your mother's name? A Mandy Cudjo.  
Q Did she ever go by any other name? A Yes, sir.  
Q What was it? A Her husband was named Tawb.  
Q What is the next name? A Mandy Hammons.  
Q What else? A I don't know.  
Q Was she ever called Mandy Hawkins? A No, sir, not as I know of.  
Q She was enrolled Mandy Hawkins.  
Q How did she come by that? A I don't know.  
Q What was the name of her mother? A Hawkins.  
Q Have you any brothers and sisters? A Yes, sir.  
Q What are their names? A Reed Betts, Aaron Adams.  
Q Who else? A Era.  
Q Who else? A Lucy Adams, Paul and Silas.  
Q Who is Tom? A Tom Kemp.  
Q Who is Mary? A My aunt.  
Q Who is Martha? A My aunt.  
Q Who is George? A My uncle.  
Q Who is Mandy? A My mother.  
Q Your mother's mother was named Laurena was she? A Yes, sir.

Sam Lampkins----2

The records of the Colbert Commission examined and it appears that application was made for citizenship in the Creek Nation to said Commission for the applicant, under the name of Sam Hawkins, in the case of Laurena Hawkins et al., as appears on Page 485 of the record of proceedings of said Commission:

That on August 20, 1896 all the applicants embraced in said application were admitted to citizenship in the Creek Nation by said Commission as appears on Page 499 of said records:

That on page 576 of said record said Commission denied the application. This entry is without date.

It appears from the records of the Commission that on May 6, 1899, certain proceedings were had before the Commission relative to the enrollment of certain persons embraced in the application made before said Colbert Commission:

That on May 7, 1902 the application for the enrollment of Laurena Hawkins et al., was denied by the Commission, which decision was affirmed by the Department, May 26, 1902:

That, thereafter, on November 20, 1902, the Department vacated and recalled its decision of May 26, 1902, reversed the decision of the Commission and directed that the applicants be enrolled as citizens of the Creek Nation.

By M. L. Mott:

- Q Why haven't you applied here before? A Well because I had a job and was at work and was doing very well.
- Q Are you going to stay here? A Going to try to stay.
- Q What do you mean by trying? A I mean I am going to try to make this my home and settle down.
- Q Do you mean by that if you get your allotment you will stay and if you don't you will go away? A Yes, sir. If I get it I will have something to stay for.

By Commission:

The applicant is advised that it will be necessary for him to bring witnesses before the Commission to identify him as the person who was admitted to citizenship in the Creek Nation by the Colbert Commission and also to produce evidence that he has in good faith removed to the Creek Nation.

-----O:-----

I, Drennan C. Skaggs, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 15th day of August, 1904.

*Drennan C. Skaggs*  
*Charles H. Sawyer*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I.T. AUGUST 2, 1904.

Supplemental testimony

In the matter of the application for the enrollment of Sam Lampkins as a Creek Freedman.

Tom Hawkins being duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Tom Hawkins.  
Q How old are you? A I am about 40 years old.  
Q What is your post office address? A Muskogee, Grayson.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q Were you admitted to citizenship in that Lurena Hawkins case? A Yes sir.  
Q The same case? A Yes sir.  
Q Do you know a man who calls himself Sam Lampkins? A Yes sir; cause I nursed him.  
Q What was the name of his father? A John Lampkins.  
Q What is the name of her mother? A She's Mandy Cudge now.  
Q Did you make application to the Colbert Commission for citizenship in the Creek Nation? A Yes sir.  
Q In the Lurena Hawkins case? A Yes sir.  
Q Did Mandy Hawkins make application then? A Yes sir.  
Q Do you know whether this man, Sam Lampkins, whether he was in that case or not? A Yes sir.  
Q Under what name? A Hawkins.  
Q Sam Hawkins? A Yes sir; I done the rolling myself; just rolled them all; mother had some grandchildren.  
Q You made the application for all of them under the name of Hawkins? A Yes sir.  
Q Do you know that this man here, Sam Lampkins, is the same person that was contained in that application under the name of Sam Hawkins? A Yes sir; I know it to be a fact.  
Q Where does Sam Lampkins live? A Living now at Grayson.  
Q How long has he been living there? A About a month or better ago we written for him; he has been off three or four years.  
Q Do I understand you to say he hasn't settled down anywhere? A No sir; he is settled down now at Grayson.  
Q What has he done towards settling down? A He is stopping on with me; I want to help him to build if he can file on his place; he has come home to live.  
Q Have you ever heard him say anything about his intention to settle in the Creek Nation? A Yes sir; he says it is to be his home; he is going to get his family here to settle down; he has two children.  
Q How old are these children? (No answer).

Sam Lampkins being duly sworn, testified as follows:

Examination by the Commission:

- Q Give your name, age and post office address? A Sam Lampkins, 32; will be tomorrow. Grayson.  
Q You have heretofore made application for enrollment as a Creek Freedman, have you? A Yes sir.  
Q You have some children that you desire to make application for? A Yes sir.



Q You didn't include them in your application? A No sir.  
 Q What is the name of the oldest? A Eric.  
 Q Boy or girl? A Girl.  
 Q How old? A She will be 7 years old the 22nd of January if I make no mistake.  
 Q Next? A Olana.  
 Q How old? A Will be 5 the 7th of this month.  
 Q Are these children living? A Yes sir.  
 Q Live with you? A Yes sir.  
 Q Got a wife? A No sir, my wife and me separated.  
 Q Were you and your wife lawfully married? A Yes sir.  
 Q Where are these children? A Out to my brothers.  
 Q You have the custody of the children, have you? A Yes sir.  
 Q Where is your wife? A In Denison.  
 Q Texas? A Yes sir.  
 Q Did you procure a license to marry? A Yes sir.  
 Q Have you got the marriage license? A No sir, not with me.  
 Q Have you got it over where you are stopping? A No sir; she has got the sisticate.

The applicant is advised that it will be necessary for him to file with the Commission the original or a duly certified copy of his marriage license.

Q What is the name of the mother of these children? A Violet Lampkins.  
 Q She is the woman that you married? A Yes sir.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 19 day of August, 1904.

*Charles P. Sawyer*

Notary Public.

En. 596.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:0:-

In the matter of the application for the enrollment of Sam, Erie and Olene Lampkins as Creek Freedmen.

-: D E C I S I O N :-

-----0-----

The record in this case shows that on August 3, 1904, Sam Lampkins appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Creek Freedman. Further proceedings in the matter of said application were had August 9, 1904 and the minor children, Erie and Olene Lampkins, were included in the application.

The evidence shows that Lurena Hawkins et al., made application for citizenship in the Creek Nation, to the Creek Citizenship Commission, commonly known as the Colbert Commission; that the principal applicant herein was included in that application; that on May 7, 1902, this Commission held that the persons embraced in said application were denied citizenship in the Creek nation by said Colbert Commission, and denied the application for the enrollment of said Lurena Hawkins et al.; that the decision of the Commission was affirmed by the Department May 26, 1902, and that on November 20, 1902, the Department vacated its decision of May 26, 1902, reversed the decision of the Commission and directed the enrollment of the applicants, holding that they were duly admitted to citizenship in the Creek Nation by said Colbert Commission.

The evidence further shows that said Erie Lampkins, aged seven years, and Olene Lampkins, aged five years, are the minor children of said Sam Lampkins and were living at the date of the application herein.

It further appears that said Sam Lampkins and his wife, who is the mother of said children, have separated and that the father has the custody of said Erie and Olene Lampkins.

It further appears that said Sam Lampkins was a non-resident of Indian Territory March 1, 1901, and that he has in good faith removed to the Creek Nation.

It is, therefore, the opinion of the Commission, following the ruling of the Department in the Lurena Hawkins case, that said Sam Lampkins, Erie Lampkins and Olene Lampkins should be enrolled as Creek Freedmen, in accordance with the provisions of the act of Congress, March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Chairman.  
  
Commissioner.

Muskogee, Indian Territory,  
FEB 3 - 1905

**Marriage License.**

—TO—

Recorded and filed ..... 1892.

..... Clerk.

# Marriage License.

THE STATE OF TEXAS, COUNTY OF GRAYSON.

To any Judge of the District Court, Judge of the County Court, Ordained or Licensed Minister, Jewish Rabbi, or Justice of the Peace of Grayson County---Greeting:  
YOU ARE HEREBY AUTHORIZED TO CELEBRATE THE

**R**ITES OF **M**ATRIMONY

Between Sam Lankin and Mrs Violet Kerkey  
and make due return to the Clerk of said Court within Sixty Days thereafter, certifying your action under this License.

Seal

Witness my Official Signature and Seal, this 4<sup>th</sup>

day of August 1902 188

J. F. Ellis

Clerk.

By

J. F. Hendrix

Deputy.

I, H. F. Cutler certify that on the 5<sup>th</sup> day of August 1902, I united  
in Marriage Sam Lankin and Violet the parties above named.

Witness my hand this 5 day of August 1902

H. F. Cutler Justice of the Peace

A True Copy from Book of the County Clerk of Grayson County Texas



DEPARTMENT OF THE INTERIOR.  
Commission to the Five Civilized Tribes.  
Muskogee Land Office, April 12, 1899.

INTERVIEW OF KATE D. ROGERS,  
WILLIAM P. ROGERS, WOODS BUCK-  
NER ROGERS, PEARL D. JONES, &  
MARY R. ROGERS AS COUNCILS.

KATE D. ROGERS, sworn and interrogated, testified as follows, to-wit:

Q: How old are you? A: Fifty-two.

Q: Where do you reside at the present time? A: Near Checotah in the Creek Nation.

Q: Have you resided at any time in the Cherokee Nation?

A: No sir, I never lived there since I was two years old.

Q: What was your father's name? A: William Drew.

Q: What was your mother's name? A: Saline Drew, nee McIntosh.

Q: What was your father's citizenship? A: He was a Cherokee.

Q: What was your mother's citizenship? A: A Creek citizen.

Q: She was a Creek citizen? A: Yes sir, she lived here. They lived sixteen years in Texas. I am telling so far as I remember. Sixteen years I was sold in 1868 my mother moved back to the Nation and resided here until she died.

Q: And you have resided here ever since that time? A: Yes sir.

Q: During what years was it that you lived in the Cherokee Nation?

A: I never lived there. I went over there and resided, but I had no property there except a buggy and that I had with me; just a few things that I had there until I was sold.

Q: You say your mother was named Saline Drew? A: Yes sir.

Q: Do you know what her father's name was? A: McIntosh, the old chief that was murdered for making a treaty.

Q: Who was her mother? A: Rogue.

Q: Who was she? A: A Cherokee; part Cherokee and part Irish.

Q: In what year did your mother die? A: I can not remember; she

(Rogers, 2)

has been dead about twelve years.

Q: Was she ever enrolled in the Cherokee Nation? A: Not since 1868.

Q: Do you know whether she was on before that time? A: I could not tell you because I was quite a child when we left here and went to Texas.

Q: Do you know whether or not your mother ever resided in the Cherokee Nation? A: I guess she did.

Q: Previous to 1868? A: Previous to 1860.

Q: Do you know what district or at what place in the Cherokee Nation she resided? A: No sir, I don't know.

Q: Have you heard? A: No sir. She lived some where below Wolfens Falls, or I think so somewhere.

Q: What time did you make the first effort to have your name put on the Cherokee roll? A: When I went over to draw strip money.

Q: What year was that? A: 1892 or 1893.

Q: What was the first time your name appeared on the Cherokee Roll? A: Yes sir.

Q: Where were you registered at that time? A: In Tableport Dist.

Q: In the town of Tableport? A: No sir, I was registered at Ketchemtown.

Q: How many of your family were registered with you at that time?

A: About four children, whose names have been here mentioned.

Q: They all drew in that payment did they? A: Yes sir. I don't remember where my mother lived but Judge Moore may be able to tell.

Witness H. B. Moore, called and sworn:

Q: ~~xxxx~~ Did you know Sally Drew? A: I knew her after she married Drew.

Q: Did you know her previous to her marriage? A: No sir.

Q: Where did she live? A: At the mouth of the Illinois River, between Fort Scott and Fort Gibson, on the north side of the Arkansas River, in the Cherokee Nation.

Q: Who did she reside with? A: William Drew.

(Rogers, 3)

Q: That was after his marriage? A: Yes sir, I did not know her before she married.

Q: Do you know whether or not she was regarded as a Cherokee at that time? A: I know that they said her mother was a Cherokee and her father a McIntosh.

Q: That is in the Illinois District, over there, is it? A: Yes sir.

Q: You know about what time she left the Cherokee Nation?

A: No sir, I do not.

Q: They lived outside of the Indian Territory for some time before they came to the Creek Nation? A: They came here and then went to Texas, but I don't know at what time they went to Texas. I knew that two of the children went to school at old Tallahassee. That might have been after they left Texas too.

Q: (By Judge Shackelford) They came back to Texas in 1866? A: I don't know.

Q: They have lived in the Creek Nation ever since? A: Yes sir.

Q: Mrs. Rogers, here, has lived here ever since? A: So far as I know.

Q: There has been no the rolls all the time so far as you know?

A: There have been drawin' money. Mrs. Drew died down here on this Creek.

Mrs. Rogers, recalled:

Q: (By Mr. Bixby) Upon what theory did you apply to the Cherokee authorities for strip money? A: I want to understand what you want.

Q: Tell what you know about it? A: I went over there to register and draw that strip money, and when I was brought before the

Commission they asked me if I was a Cherokee citizen, and I told them no, that I was a Creek citizen; I told them that I lived in the Creek Nation and that all I owned was there. They said that I had Cherokee blood in me and that that money was for Cherokees, and I was entitled to some of that money, and I got it.

Q: Did the Cherokee authorities pay you strip-money in the face of the fact that you told them that you were a Creek citizen?

A: Yes sir, but it was to be paid to Cherokees by blood. I was living over here in Muskogee then.

(Exhibit, 4)

Q: Did you apply, or did you not, for that strip-money on the theory that you were a Cherokee citizen? A: No sir, I just went over there and camped a while and registered. I was never before the Commission until after I registered.

Q: When you registered did they ask if you were a Cherokee citizen? A: No sir, never asked me one question. I stood at the table and they called my name and I walked up and registered myself and family.

Q: They were in the habit of paying that strip-money to any body that applied for it? A: I could not tell, but they did not ask me a single question. I could not tell you how they paid it, except that in what I done. After I registered they asked me these questions.

Q: What was your theory upon which you based your application for the strip-money? A: I would have to tell it. It was a large per capita payment, and I was poor, and wanted the money.

Q: You must have thought you were a Cherokee citizen? A: No sir, I know I was a Cherokee by blood, and if they were paying it to Cherokees by blood then I was entitled.

Q: Did the law under which that payment was made say that it would be paid to Cherokee citizens by blood? A: Cherokees by blood.

Q: When would it be your idea that all the people in the United States who had Cherokee blood would be entitled? A: Yes sir, that was the way I understood it. I was here and lived here when I drew that money. I am a Cherokee and I do not deny it. I have Cherokee blood in me.

Q: Yourself and all your children that you are applying for to be enrolled, are on the Cherokee roll of 1894? A: If that is the roll that they drew for the strip-money. I don't remember the year.

Q: (By Judge Shackelford) Where is your place? Your home? A: At Checotah.

Q: How long since you have had that place? A: My mother bought the place in 1869.

Q: Everything you have is on that place? A: Yes sir, except a



(Rogers, 5)

little town property that I have. That is my home.

Q: That has been yours ever since your mother bought it, and it descended to you? A: Yes sir.

Q: She lived there all the time, after she returned from Texas?

A: Yes sir.

Q: And you were all on the Creek rolls? A: Yes sir, since 1866.

Q: (By Mr. Hopkins) Do you know how you were put on the Creek rolls in 1866? A: I don't know, but if there were any rolls from that time up to date that I was on the roll.

Q: You never saw your name on any rolls since that time, except pay rolls? A: No sir. The way I registered was that my Town Chief from Coweta would take care of me. I never saw the roll.

Q: That was the census roll that the Town King made up? A: Yes sir.

Q: Did you assume from that that you were on the rolls? A: Yes sir, they come around and I gave in my name.

Q: But you never saw your name on any roll? A: No sir, never saw a roll in my life.

Q: When you say that you were on the rolls, you assume that the King, having taken your name in the census, that your name must appear on the roll? A: Yes sir, I assume that.

Witness N. B. Moore, recalled:

Q: (By Mr. Hopkins) Do you know whether Mrs. Rogers family were carried on the rolls during the time they were out of the Territory, living in Texas? A: I don't know. Parties have drawn money in the Creek Nation who did not live here.

Q: But do you know whether or not Mrs. Rogers' mother, or herself drew money during their absence from the Creek Nation? A: I don't know. They may have drawn because they were back and forth.

Q: Do you know whether or not there was a roll made in 1866?

A: No sir, I don't.

Q: Do you remember a payment made there to Indians and to the freedmen also, just after the war? A: Yes sir.

(Rogers, 8)

Q: Do you know what years the payments were made to the Indians?

A: In 1867, in March.

Q: What was the amount per capita of that? A: \$12.50, I believe.

Q: Do you know whether Mrs. Drew and Mrs. Rogers drew that money?

A: I don't know.

Q: Who paid that money out? A: The Agent.

Q: Major Dunn? A: I think so.

Q: That is what is known as the Dunn Payment? A: Yes sir, I suppose so.

Q: It was paid out by the United States Agent residing here in the Creek Nation? A: Yes sir.

Q: You do not know whether they received money at that payment?

A: No sir.

Q: Do you know whether any money was paid out at that time to any body who was not residing in the Creek Nation? A: No sir.

Q: You never heard of any body being paid by the Agent at that time who did not reside in the Creek Nation? A: I never heard anything about it. I did not have anything to do with it.

Q: Do you know whether or not it was necessary for Mrs. Drew to go to the Council, or have any body present her case to the Council or any commission, in 1868, or afterwards in order to get her name on the roll, after they returned from Texas?

A: I don't know whether they applied to Council or not.

Q: (By Judge Shackelford) Have you not yourself made payment to Mrs. Rogers as a Creek citizen? A: Yes sir.

Q: Did you know they were on the rolls? A: I would not have paid them if they had not been on the rolls.

Q: What year was that in? A: 1891.

~~Spencer, 8~~

Q: (By Hopkins) Did you not pay money to people in 1891, whose names were on the pay rolls, but who afterwards were found out to have no right to be there? A: Yes sir, I suppose so.

(Rogers, 7)

Q: Were there not a great many people on that roll that should not have been there, and have since been stricken off? A: Yes sir.

Q: Is there not a law on the Creek Statute Books that a pay roll should not be taken as proof of citizenship, but is only evidence?

A: I don't know.

Q: You would not say there was not such a law would you? A: I don't know.

Q: Have you any idea how many people you have paid money to that were not entitled to it? A: No sir, I have no idea.

Q: A good many? A: Yes sir.

Q: (By Judge Shackelford) When you paid this money to Mrs. Rogers she was living here in the Creek Nation? A: Yes sir.

Mrs. Rogers, Recalled:

Q: (By Mr. Hopkins) Do you know how your name came to be put on the Creek roll? A: No sir. They come around and asked, and I gave it up to them, and to the King.

Q: If you were put on through any effort of yours it was through the Town King? A: Yes sir.

Q: He or were in Okmulgee before the Council to have your name put on the rolls? A: No sir, I did not go before the Council. I went there and drew my Oklahoma money.

Q: At this time do you claim any citizenship in the Cherokee Nation? A: No sir.

Q: Do you expect, or have any intention of applying to the Cherokee authorities for enrollment as a Cherokee, for yourself and family? A: No sir.

Q: You don't claim to be a Cherokee? A: No sir, I cannot because I cannot; everything I own is in the Creek Nation. I never owned anything in the Cherokee Nation. I cannot give up what I have and go and be a Cherokee.

Q: In your opinion now, you have no claim to Cherokee citizenship, for yourself and children? A: None at all.

(Rogers, 8)

Q: (By Mr. Bixby to the Creek Commissioners) Are you gentlemen satisfied that Mrs. Rogers and this family, are Creek citizens?

A: (By Mr. Gregory) I have not heard all the evidence. I am acquainted with some of her family.

Q: Do you challenge their right to citizenship? Have you any objections to offer? Have you any objections to these people being enrolled as Creek citizens?

A: (By Mr. Gregory) I have not.

A: (By Mr. Moore) I have not.

A: (By Mr. Molloy) I have not.

Department of the Interior,  
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as  
stenographer to above named Commission, that this  
transcript is a true, full and correct translation of  
my stenographic notes.

*D. W. Yancy*



Creek En 896

Muskogee, Indian Territory, February 6, 1906.

Mr. J. H. Ott.

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Sam Lampkins, Erie Lampkins and Olene Lampkins as Creek Freedmen.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof to protest against said decision, and if, at the expiration of that time, no such protest has been made, said Sam, Erie and Olene Lampkins will be regularly listed for enrollment as Creek Freedmen.

Respectfully,

Chairman.

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 3, 1904.

In the matter of the application for the enrollment of Amanda, Rose, Loan, Nealey, Lewis and Harnest Newman as Creek Freedmen.

APPEARANCES: M. L. Mett Attorney for Creek Nation!

Amanda Newman, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Amanda Newman.
- Q How old are you? A I can't tell but just guess at it. I am fifty I know.
- Q What is your post office address? A Muskogee.
- Q Do you make application for enrollment as a Creek Freedman? A Yes, sir.
- Q Have you some minor children that you want to apply for? A Yes, sir.
- Q What is the name of the eldest one that you want to apply for? A Rose.
- Q How old is she? A About 16.
- Q Have you a child named Loan? A Yes, sir.
- Q Is that a boy? A Boy.
- Q How old is he? A There is a year between them I can't tell their ages.
- Q Have you a child named Nealey? A Yes, sir.
- Q How old is he? A About 14.
- Q Have you one named Lewis? A Yes, sir.
- Q How old is Lewis? A Ten years old.
- Q Have you one name Harnest? A Yes, sir, he is six years old.
- Q Are they living? A Yes, sir.
- Q What is the name of their father? A Gilbert Newman.
- Q He is a state man is he? A Yes, sir.
- Q Where do you live? A Two miles of Muskogee, in the Creek Nation.
- Q How long have you lived in the Creek Nation? A I have been in the Creek Nation twenty-five years this coming Christmas.
- Q Where did you live before that? A Texas. taken there in time of the war.
- Q And you came back twenty-five years ago? A Yes, sir.
- Q That was the first time you was back after the War? A Yes, sir.
- Q To what town in the Creek Nation do you claim to belong? A I think when I first came here they told me I was in Canadian Town.
- Q Did you ever draw any money from the Creek Nation? A No, sir.
- Q Was any money ever drawn for any of these children in the Creek Nation? A No, sir.
- Q Did you ever apply to the Creek Authorities to be admitted? A Yes, sir.
- Q You applied to the Creek Authorities? A Yes, sir. You see I didn't know anything about the laws of this country. Henry Reeds he come to me and said he would sign a paper for me. That was in Sam Chasotah's time.
- Q You mean that was when he was Principal Chief? A Yes, sir.
- Q They admitted you to citizenship? A Sam Chasotah said for us to remain and make our home until Council met and then he would have our names adopted and the Spioche War started and there was nothing more done.



Amanda Newman et al.---3.

Q You made application to this Commission for you and your children several years ago didn't you? A Yes, sir.

The records of the Commission examined and it appears that the principal applicant herein made application to the Commission to the Five Civilized Tribes, under the provisions of the act of June 10, 1896 (29 Stats., 321) for citizenship for herself and her children who are embraced in the application herein and that the application was denied and that no appeal was taken from the decision then rendered.

Q Were you ever married more than once? A Married twice.  
Q What is the name of your first husband? A Named Perry.  
Q Where did you marry him? A In Arkansas.  
Q Was that before the war? A In the time of the War.  
Q What is the name of your next husband? A Gilbert Newman.  
Q Where did you marry him? A Texas.  
Q Were any of these children that you have named here born in Texas?  
A All born in the Creek Nation.  
Q What is the name of your oldest child? A The oldest child is Isaac Newman.  
Q How old is he? A Forty-one this last Christmas past.  
Q He was born in Texas? A Born in Arkansas.  
Q What is the name of your next child? A West.  
Q Where was he born? A Texas.  
Q How old is he? A Thirty-nine years old.  
Q Did you have any other children born in Texas besides West? A One named Bud, Arthur and Leatha.  
Q How old is Arthur? A Twenty-eight.  
Q How old is Allie? A Twenty-four.  
Q She was born in Texas? A Yes, sir.

The Dunn Roll examined and the principal applicant herein not identified thereon.

Q What was the name of your father? A Ketch McQueen.  
Q Is he dead? A Yes, sir.  
Q How long has he been dead? A I don't know.  
Q Is his name on the Dunn Roll? A I don't know.  
Q What is the name of your mother? A Rose Kernal.  
Q Is she a citizen of the Creek Nation? A No since she was taken out.  
Q Was she taken out during the War? A Yes, sir.  
Q Did she ever come back? A No, sir. She died.  
Q Did Ketch McQueen come back? A Yes, sir.  
Q Do you know whether he was a citizen when he died or not? A I don't know.  
Q Your mother didn't get back? A No, sir.  
Q She was taken out during the War and didn't get back? A Yes, sir.

The Dunn Roll examined and the name of Ketch McQueen not found thereon.

The Dunn Roll further examined and the name of Rose Kernal not found thereon.

~~Picket~~ <sup>Rennie</sup> being duly sworn, testified as follows:

By Commission:  
Q What is your name? A Picket ~~Rennie~~  
Q How old are you? A Seventy-eight.  
Q What is your post office address? A Muskogee.  
Q Do you know Martha Newman? A Yes, sir.  
Q How long have you known her? A I know her mother.  
Q I didn't ask you that? A Must be about twenty year.

Amanda Newman et al. ---3.

- Q Do you know where she came from? A Yes, sir.  
Q Where from? A Texas.  
Q Did you know her before the War? A Knew her mother.  
Q Did you know this woman? A No, sir.  
Q Do you know whether she was carried away from her before or during the War? A Her mother was taken away.  
Q Was her mother the slave of a Creek Citizen? A Yes, sir. I know that.  
Q What is the name of her owner? A Meget.  
Q To what town in the Creek Nation do you belong? A Canadian.  
Q Did Martha's mother once belong to Mrs. Peggy McDaniel? A Yes, sir.  
Q Did you ever know any one by the name of Sallie McDaniel? A Must have been Peggy's daughter.  
Q Did you ever know any one by the name of Lawson? A That might have been some children born after they went down south. I don't say there was no one in that family by that name.  
Q Have you ever been a member of the Creek Council? A No, sir.  
Q Have you ever been a member of any of the Courts or Commissions? A No, sir.  
Q Do you know anything about an effort being made to have this woman admitted by the Creek Council? A Yes, sir.  
Q She tried to be admitted did she? A Yes, sir.  
Q And never was? A No, sir, never was.  
Q Do you know any reason why they have not been admitted to citizenship? A No, sir, I don't know that but I know that they was neglected.  
Q Have the Courts ever taken any authority over this applicant in any way do you know? A I can't tell that exactly but I know they have been up to every council and paid out money.

It is ordered that copies of the Petition and affidavits accompanying it, under the date of June 10, 1896, be made a part of the record in this case.

The Tribal Rolls of the Creek Nation, in the possession of the Commission, examined and none of the applicants identified thereon.

-----OF-----

I, Drennan C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

*Drennan C. Skaggs*

Subscribed and sworn to before me this 16th day of August, 1896.

*Charles H. Hurst*  
Notary Public.

J. J. B.  
No. 598.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-101-

In the matter of the application for the enrollment of Amanda Newman, and her minor children, Rose, Loan, Nealey, Lewis and Earnest Newman, as Creek Freedmen.

-: D E C I S I O N :-




The record in this case shows that on August 8, 1904, Amanda Newman appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her minor children, Rose, Loan, Nealey, Lewis and Earnest Newman as Creek Freedmen. The evidence shows that the principal applicant is not identified on the Dunn Roll.

It appears from the evidence, that application was made to the Commission to the Five Civilized Tribes, under the provision of the Act of Congress approved June 10, 1896 (29 Stat. 321), by Amanda Newman, and her children, Rose, Loan, Nealey, Lewis and Earnest Newman, for admission to citizenship in the Creek Nation; that this application was denied by said Commission, and that no appeal was taken from this decision.

It does not appear that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor does it appear that they, or any of them, have ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Amanda Newman, Rose Newman, Loan Newman, Nealey Newman, Lewis Newman and Earnest Newman as Creek Freedmen, and that the application for their enrollment as such, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.  
  
Commissioner.  
  
Commissioner.

Muskogee, Indian Territory,  
FEB 2 - 1905

To the Honorable Dawes Commission:

The application of Amanda Newman and as next friend for her children Isaac Newman, Wesley Newman, Aaron Newman Alley Newman, Leatha Newman Loan Newman, Rosa Newman, Beely Newman Lewis Newman, and Earnest Newman, and Autry Newman her grandsons, respectfully shows as follows to wit:

That she is of African descent and is entitled to citizenship in the Creek Nation and to enrollment therein. That she is about 50 years old and has resided continuously in the Creek Nation for the past 16 years, and have been accorded all the rights of a Creek Citizen except to draw money. She built her a home and now lives in it without interruption as she has for 16 years with this single exception to wit: The prosecuting Atty of the Creek Nation, Jeffrey Smith, attempted when Col R. L. Owen was Indian Agent, to seal her home and put her out but after an investigation by the U. S. Indian Agent, the said Smith and others were ordered by Col Owen the U. S. Indian Agent to let this applicant remain undisturbed as she was entitled under the laws to enjoy the privileges of a Creek Citizen.

And she states further she was a slave of Creek Citizens before the war, and as a young girl resided in the Creek Nation until she was taken to Arkansas Peggie Kernal who was a Creek by blood and who married Quinn McDaniel a whiteman who took his wife and her slaves to Arkansas

Miss Peggie McDaniel returned to the Territory and died in the Creek Nation some years after the war.

Before her death and during the war Peggie McDaniel gave this applicant to her daughter Sallie McDaniel who married a Creek Indian named Lawson. This Marriage took place during the war.

After the war, Sallie Lawson and her husband returned to the Creek Nation, they having lived in Hempstead Co Arkansas during the war.

She states further that her mother and her grandmother were slaves in the Creek Nation and her grandmother resided in the Creek Nation when the war began.

She states further that the Creek Nation recognized her as a person entitled to citizenship by acts of Council passed about 14 or 15 years ago and she has always been so regarded by the Creek people, and her descendants as well.

She bases her right to be enrolled upon the facts that she was a slave of Creeks, (2) that she was lawfully in the country prior to 1866 when the treaty was made, and (3) is a descendant of persons (Mother & Grand mother) of African descent, who lawfully resided in the Creek Nation, and were citizens of the Nation under the Treaty of 1866, and (4) that she lawfully settled among the Creeks by consent & law.

Wherefore she prays that she and her children may be enrolled as citizens of the Creek Nation.

Test:

her  
Mandy I Newman  
mark

A. G. H. Sange.

Subscribed and sworn to before me this 3rd day of September 1896.

(SEAL)

John G. Lieber.  
Notary Public.

My Com. Expires Dec., 18, '98.



I, William G. Brown, do hereby certify that the above and foregoing  
is a true copy of the original now on file with the Commission on the  
Five Civilized Tribes.

William G. Brown

Subscribed and sworn to before me this 16 day of August, 1904.

Chas. H. Brown  
Notary Public.

Before the undersigned authority personally appeared John Kernal and made oath in due form of law as follows to-wit: That he is about 42 years old and came to the Creek Nation with the Indians from Alabama. That he was a slave and knew Ross Kernal to be the slave of Anna Kernal who was a citizen of the Creek Nation by blood. That the said Ross Kernal migrated from Alabama with the Indians and resided in Creek Nation until she was carried to Arkansas by her former mistress. That her daughter Maria became the applicant for citizenship by the Creek Nation by invitation of Creek Citizens and was permitted by an act of the Creek Council to build a home and enjoy the rights and privileges of a citizen of the Creek Nation except to share in the money.

This affiant states further that he is a citizen of the Creek Nation and held the Office of Dist. Judge of Muskogee for a period of six months.

witness.

J. C. Kacco.

John Kernal.

Subscribed and sworn to before me this 5th day Sept. 1896.

(KRAL)

A. S. W. Sango,  
Notary Public.

My Commission expires Dec. 24th 1896.

-----;O;-----

I, Drennan C. Skaggs, on oath, state that the above and foregoing is a true copy of the original now on file with the records of the Commission to the Five Civilized Tribes.

Drennan C. Skaggs

Subscribed and sworn to before me this 10th day of August, 1904.

Charles H. Skaggs  
Notary Public.

Before the undersigned authority personally appeared Phyllis Sango and made oath in due form of law as follows to-wit: That she is about 80 years old and came to the Creek Nation with the Indians from Alabama. That she was a slave and belonged to a Creek Indian whose name was Cat Yargo. That she knew Rose Kernal and that she emigrated to the Creek Nation with the Indians from Alabama and resided in the Creek Nation as the slave of Anne Kernal who was a citizen of the Creek Nation by blood.

That she knows the said Rose Kernal to be a person of African descent, and that Mandy Newman the daughter of the said Rose Kernal, and applicant for citizenship returned to the Creek Nation by invitations from Creek Citizens in 1880 and remained continuously in said Nation every since. That the said Mandy Newman the applicant for citizenship was by act of the Creek Council permitted to build a home and was accorded all the rights and privileges of a citizen of said nation except to share in the moneys. That said Mandy Newman was always owned by a Creek Citizen until the close of the war; but had been taken away by her Creek owner when she was a young person, her young Mistress having married a white man in the State of Arkansas. This affiant is a recognized citizen of the Creek Nation and her name appears on the authenticated rolls of the same, and her husband whose name was Scipio Sango was a member of both branches of the Creek Council and a King of the Canadian Colored Town.

Witness:

Phyllis X Sango  
mark

L. W. Landrum

Subscribed and sworn to before me Sept. 5th 1896.

(SEAL)

A C W Sango  
Notary Public.

-----101-----

I, Drennan C. Shaggs, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the records of the Commission to the Five Civilized Tribes.

Drennan C. Shaggs

Subscribed and sworn to before me this 16 day of August, 1904.

Charles H. Sawyer  
Notary Public.

the above to the Court, and that the Court has  
found that said John K. ... has two brothers named ...  
George & Tom.

for  
Rose E. ...  
and

Witness

Ed J. L. Green.

Sworn to and subscribed before me this the 10th day of February  
A. D. 1937.

(SEAL)

Jan. 6, 1937  
Clark Co., Ga. ...

----- (S) -----

I, Drexman G. ... do with state that the above and foregoing  
is a true copy of the original now on file with the records of the  
Commission to the Five Civilized Tribes.

*Drexman G. ...*

Subscribed and sworn to before me this 16th day of August, 1936.

*Charles H. ...*



COPY.

Green 22 298

Muskogee, Indian Territory, February 3, 1906.

Amanda Kowman,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, Rose, Loan, Bouloy, Lewis and Earnest Kowman, as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day forwarded to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED

James Dixby,

Chairman.

Register.

JYM-3-16.



COPI

Creek An 598

Kuskege, Indian Territory, February 8, 1906.

M. L. Mott,

Attorney for the Creek Nation,  
Kuskege, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Amanda Newman, et al., as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the commission is informed of the same.

Respectfully,

*Tamm Bixby.*

WEN

Chairman.

JY-3-17.

COPY.

Order in 190

Washoe, Indian Territory, February 3, 1908.

The Honorable,

The Secretary of the Interior.

S R:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Amanda Newman, et al., as Creek Freedmen, including the decision of the Commission, dated February 1, 1908.

Respectfully,

through the  
Commissioner of Indian Affairs.

Chairman.

JYM-6-10.

Letter to the President of the United States

January 19, 1940

The President,

The Secretary of the Interior

Sir:

I enclose a report from the Commission on the 1939-1940 season, which I received on January 15, 1940, transmitted the report of the application for membership in the United States by John J. Smith for himself and his wife, Mrs. John J. Smith, and their children, Mrs. John J. Smith, and Mrs. John J. Smith.

January 15, 1940, the Commission on the 1939-1940 season, to all the applicants.

The report shows that the application for membership in the Commission for the 1939-1940 season of these applicants, for that the same was denied by the Commission from which to report the report from the Commission.

It does not appear that the application for membership in the Commission for the 1939-1940 season of these applicants, for that the same was denied by the Commission from which to report the report from the Commission.

In view of the fact that the Commission on the 1939-1940 season, to all the applicants, for that the same was denied by the Commission from which to report the report from the Commission.

Very respectfully,

John J. Smith

CONFIDENTIAL

MEMORANDUM

April 9, 1955

Commissioner to the Civil Service Commission,  
Washington, D.C.

Subject:

On April 8, 1955, you transmitted the views on the  
matter of the application for the position of Assistant  
of the Civil Service Commission, including your decision of February  
9, 1955, which was adverse to the applicant.

Regarding February 19, 1955, the Civil Service Commission  
that your decision be approved. A copy of its letter is  
inclosed.

The Department concurs in said recommendation, and your  
decision is hereby affirmed.

Respectfully,

Wesley M. Brown

Acting Secretary

2 Inclosures

Refer in reply to the following:  
10041-1908

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington, February 17, 1908

The Honorable,  
The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 8, 1908, transmitting the record of the application for enrollment as Creek Freedmen by Amanda Newman for herself and her minor children, Rose, Loan, Nealey, Lewis and Earnest Newman.

February 8, 1908, the Commission decided adversely to all the applicants.

The record shows that a prior application has been made to the Commission for the enrollment of these applicants and that the same was denied by the Commission from which no appeal has ever been taken.

It does not appear that any of the applicants has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C F Lagabee  
Acting Commissioner

M M M  
W



Gr. Pr. 398.

Muskogee, Indian Territory, April 19, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of April 8, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated February 2, 1905, denying the application of Amanda Newman for the enrollment of herself and her five minor children, Rose, Loan, Nealey, Lewis and Earnest Newman, as Creek Freedmen.

Respectfully,

Chairman.

Cr. Fr. 893

Muskogee, Indian Territory, April 19, 1905.

Amanda Newman,

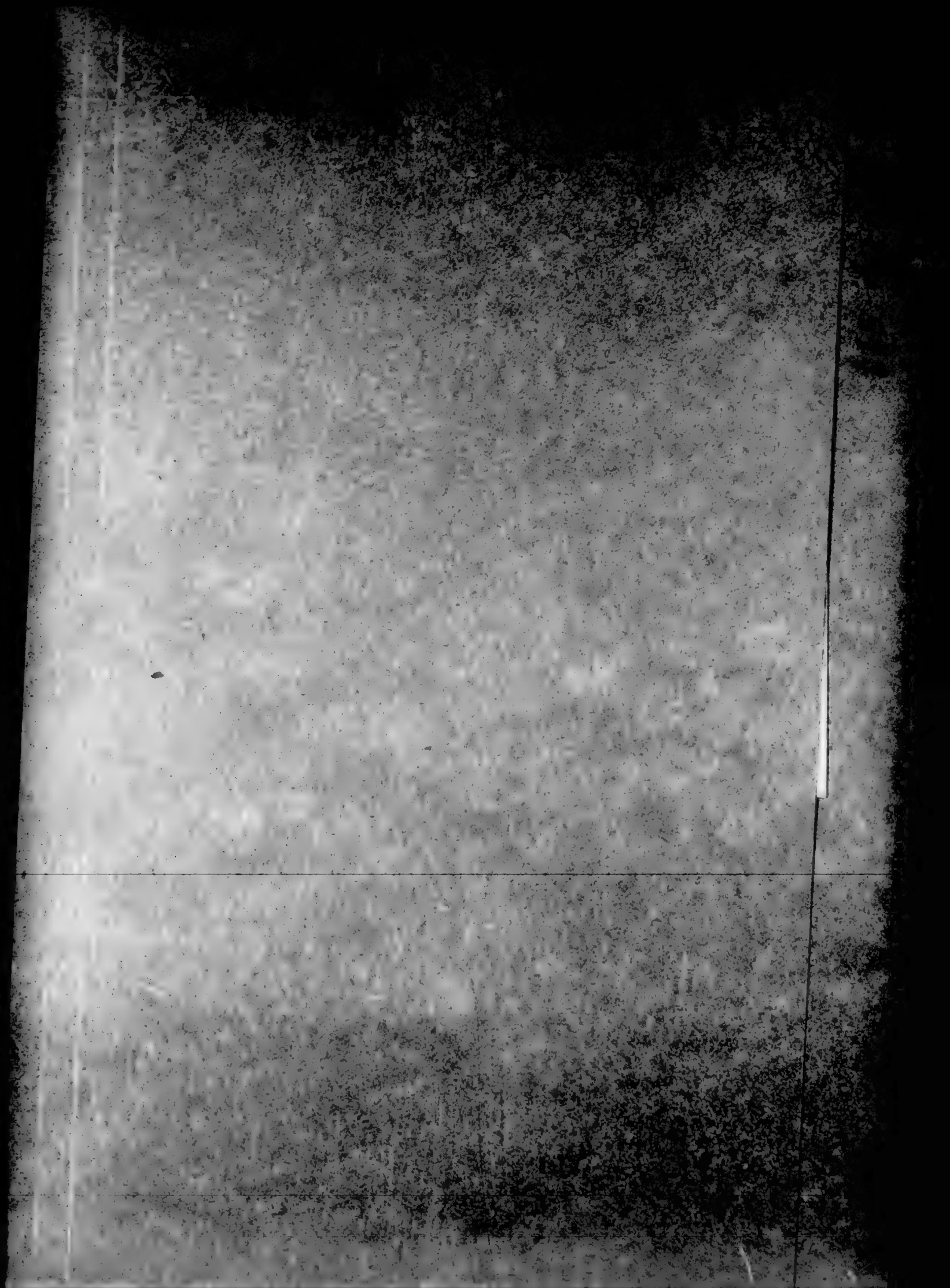
Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of April 8, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated February 8, 1905, denying the application for the enrollment of yourself and your five minor children, Rose, Loan, Nealey, Lewis and Earnest Newman, as Creek Freedmen.

Respectfully,

Chairman.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Ind.Ter., October 8, 1902.

In the matter of the application of Polly Cooks for the enrollment of her minor child, Geneva Cooks, as a Creek freedman.

Appearances: H. C. Reed, attorney for Creek Nation.

Polly Cooks, being first duly sworn, testified as follows:

By the Commission.

- Q What is your full name? A Polly Cooks.  
Q What is your age? A Twenty-three.  
Q What is your post office address? A Catoosa.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Polly Cooks is listed for enrollment as a Creek freedman, on Creek Freedmen Card, Field No. 1309.

- Q For whom do you now make application for enrollment?  
A Geneva Cooks.  
Q Is she living? A Yes, sir.  
Q Are you the mother of Geneva Cooks? A Yes, sir.  
Q How old is Geneva Cooks? A A year and eight months old.  
Q When was she born? A 1901.  
Q In what month? A The 15th of February.  
Q Have you a sister by the name of Arbelle Vannoy?  
A Yes, sir.  
Q Has she a child by the name of Robert Vannoy? A Yes, sir.  
Q Was Robert Vannoy born before or after Geneva? A Before.  
Q How long before? A Four months.

The records of the Commission examined and it appears therefrom that Robert Vannoy was born on April 15, 1901.

- Q You say Robert Vannoy was born before Geneva? A Yes, sir.  
Q Your child, then, was not born on the same day that Robert Vannoy was born? A No, sir.  
Q What is the name of the father of Geneva Cooks? A Henry Cooks.  
Q Is he a United States citizen? A Yes, sir.

Polly Cooks

Subscribed and sworn to before me this 8th day of October, 1902,  
at Muskogee, Indian Territory.

*H. J. Boney*  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY,  
FEBRUARY 23, 1905.

In the matter of the application for the enrollment of  
Geneva Cooks as a Creek Freedman. (Additional testimony).

APPEARANCES: T. H. COBB, representing Creek Nation.

POLLY COOKS, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Polly Cooks.
- Q Are you the same Polly Cooks who appeared before the Commission in October, 1902, and made application for the enrollment of your minor child, Geneva Cooks, as a Creek Freedman? A Yes, sir.
- Q How old is Geneva Cooks now? A She was born in 1901.
- Q I do not ask when she was born, but I ask how old she is now? A Four years.
- Q Four years old? A Yes, sir. This is 1905--she was born in 1901, that would make her four years old now.
- Q Is she four years old, less or more? A Yes, sir, just four.
- Q Just four years old, exactly to a day? A Yes, sir.
- Q This is February 23, 1905, do you mean to say that she was born on the 23rd of February? A No April.
- Q She would not be four years old now? A Yes, she would be four.
- Q Do you know? Yes, sir.
- Q How do you know? A I have the date down but I did not look when I started.
- Q Where have you got that date? A At home.
- Q When did you put that down? A In 1900.
- Q Did you put it down on paper when she was born? A Yes, sir.
- Q Which comes first 1901 or 1900? A 1900.
- Q Do you still state that you made a record of her birth in 1900? A No answer.
- Q What did you write that with, pen or pencil? A Pen.
- Q State as near as you can just what you wrote? A They said that my sister had a child---and he got h in land---and they said that he was born about four months before my child was---that is the excuse they make.
- Q The child that you refer to, is that the child of Aratell Vannoy? A Yes, sir.
- Q Which was born first, your child or hers? A Hers.
- Q How long after her child was born before yours was born? A Four months.
- Q Have you heretofore made out an affidavit about the birth of your child? A Yes, sir.
- Q Did you make two? A No, one--just one.
- Q What did you put down in that affidavit about the birth of that child? A 15th of April.
- Q Is that all you put down? A Yes, sir, that is all.
- Q Did you put down the year? A Yes, sir, 1900.
- Q When did you make that affidavit? A In 1900.
- Q How long after the birth of your child? A She was five months old.



Geneva Cooks... ..#2.

- Q Did you afterwards go before a Notary Public and make out another affidavit? A No, sir, I made just one.
- Q Before what Notary Public did you make that affidavit? A Lewis Nero.
- Q Are you positive that you made out only one affidavit and that was before Lewis Nero? A Yes, sir.
- Q Do you know a Notary Public by the name of John P. Dickinson? A No, sir.
- Q Did you ever go before a man by that name and make out an affidavit for the birth of your child, Geneva Cooks? A No, I made out only one and I brought that one here and they had a dispute about it.
- Q Did you ever go before a Notary Public by the name of W. W. Whitman and make out an affidavit about this child? A No but I had a sister who did.
- Q What was her name? A Katie Cooks.
- Q Did anybody go with you when you made out an affidavit about your child? A No, nobody but me and the man who made it out, Lewis Nero.

There is on file with the Commission a birth affidavit executed by Polly Cook on July 12, 1902, before W. W. Whitman, Notary Public, relative to the birth of Geneva Cook. Said affidavit is signed by Polly Cook and witnessed by Katie Cook and E. Dehart.

- Q Do you know a man by the name of Dickinson? A No, sir, but he was there and witnessed to it.
- Q Was Katie Cooks there? No, sir.

On same form is an affidavit of attending physician.

On April 3, 1903, an affidavit executed by Polly Cooks before John B. Dickinson, Notary Public, relative to the birth of her child, Geneva Cooks; same is on file with the Commission. No witness to signature on said affidavit. On same form, accompanying said affidavit is a affidavit of the attending physician.

- Q Did you have a doctor present at the birth of that child? A No.
- Q Did you have a mid-wife in attendance? A Yes, sir, Nancy Roberts.
- Q Did she make out an affidavit? A She signed it.
- Q She signed it? A Yes, sir.
- Q Do you know Arbell Vannoy? A Yes, sir.
- Q Did she witness the signature of Nancy Roberts to that affidavit? A Yes, sir.
- Q Who else? A Gertie Nero.

Affidavit of mid-wife, Nancy Roberts, on the second blank form of affidavit mentioned is signed by mark, and said mark is witnessed by Arbell Vannoy and Gertie Nero.

- Q Do you remember making two now? A No, sir, I only carried ~~xx~~ it up there and they signed it.
- Q Did you understand what was put down in those affidavits? A Yes, sir.

Geneva Cooks.....#3.

- Q Well, state what was put down? A The age and date.  
Q To whom did you tell that date to? A I told it to Lewis Nero and my mother and sister knows it.  
Q Did you tell it to the Notary Public? A Yes, sir, Lewis Nero.  
Q Who was the Notary Public? A Lewis Nero and Whitman.

LILLIE BAILEY, being duly sworn, testified as follows:

- Q What is your name? A Lillie Bailey.  
Q How old are you? A Twenty-one.  
Q What is your postoffice address? A Broken Arrow.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q Do you know Polly Cooks? A Yes, sir.  
Q Is she married? A Yes, sir.  
Q What is her husband's name? A Henry Cooks.  
Q Have they any young children? A Yes, sir.  
Q What are their names? A Charley Cooks and Geneva Cooks.  
Q Is Geneva Cooks living? A Yes, sir.  
Q How old is she? A She will be four this year.  
Q What time this year? A In April.  
Q What day? A The fifteenth.  
Q When was Geneva Cooks born? A In 1902.  
Q Are you sure it was the fifteenth of April? A Yes, sir.  
Q Sure it was the fifteenth? A Yes, sir.  
Q Sure it was April? A Yes, sir.  
Q Sure it was 1902? A Yes, sir.

ALICE McINTOSH, being duly sworn, testified as follows:

- Q What is your name? A Alice McIntosh.  
Q How old are you? A Twenty-three.  
Q What is your postoffice address? A Broken Arrow.  
Q Do you know Polly Cooks? A Yes, sir.  
Q Do you know her husband? A Yes, sir.  
Q What is his name? A Henry Cooks.  
Q Do you know a child of Polly Cook's by the name of Geneva? A Yes, sir.  
Q What relation are you to Polly Cooks? A I am a second cousin of Polly Cooks.  
Q How old is Geneva Cooks? A I do not know just how old she is.  
Q About how old is she? A I do not know.  
Q Is she a year old? A Yes, sir, she is older than that.  
Q Is she two years old? A Yes, older.  
Q Is she four? A No answer.  
Q Is she three? A I do not know.  
Q Were you present when she was born? A No, I was not there but I know when she was born.  
Q How long after her birth before you saw her? A About a week.  
Q When was she born? A The fifteenth day of April, but I do not know just what year.  
Q Do you know just how many years ago she was born? A No, sir.  
Q Do you know a child of Arabeil Vannoy by the name of Robert? A Yes, sir.  
Q Do you know when he was born? A No, I do not know.  
Q Was he born before Geneva Cooks or afterwards? A I do not know.

Geneva Cooks..... #4.

LILLIE BAILEY, recalled, testifies:

- Q Do you know Robert Vannoy, child of Arabell Vannoy? A Yes, sir.  
Q Do you know when he was born? Yes, sir.  
Q Was he born before or after Geneva Cooks? A Same day.

POLLY COOKS, recalled, testified:

- Q You stated awhile ago, and also stated in your testimony of October 8, 1902, that Robert Vannoy was born four months before your child, Geneva Cooks? A No, I said that was the excuse they made.  
Q Do you know what an oath is? A Yes, sir.  
Q Do you know what the penalty is for swearing falsely? A Yes, sir.  
Q On October 8, 1902, you testified before the Commission and the following question were asked you:  
"Q Have you a sister by the name of Arabell Vannoy? A Yes, sir.  
"Q Was she a child by the name of Robert Vannoy? A Yes, sir.  
"Q Was Robert Vannoy born before or after Geneva? A Before.  
"Q How long before? A Four months."  
"Q When was Robert Vannoy born? A Born fifteen of April.  
"Q Was he born on the same day your child, Geneva, was born? A None.  
"Q In the testimony referred to above the following questions were asked you: "Q You say Robert Vannoy was born before Geneva?  
A Yes, sir.  
"Q Your child, then, was not born on the same day that Robert Vannoy was born? A No, sir."  
"Q You swore positively on October 8, 1902, that these two children were not born on the same day---do you now mean to state that they were born on the same day? A Yes, that is the excuse they made---that is what I said---that is the excuse that they made and if anything else was put down the must have misunderstood me.

The applicant is advised that the Commission desires her to bring the record she refers to before it, also the mid-wife, Nancy Roberts, in attendance at the birth of her child, Geneva Cooks, and the parents of Robert Vannoy, for the purpose of being examined under oath.

- Q Who was present when your child was born? A Lillie Bailey, Gertie Nero, Nancy Roberts, Arabel Vannoy, John Vannoy and Alice ~~McIntosh~~ McIntosh.  
Q Are you certain those people were present when Geneva Cooks was born? A Yes, sir.  
Q Are you positive that they were present? A Yes, sir.

I, Zera Ellen Parrish, on oath state that, as stenographer for the Commission to the Five Civilized Tribes, the above and foregoing is a full, true and correct transcript of my stenographic notes as taken in said cause.

Subscribed and sworn to before me  
this 24th day of February, 1905.

*Zera E. Parrish*  
*Edward S. [Signature]*  
Notary Public.

En. 599.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, MARCH 27, 1905.

-ooOoo-

In the matter of the application for the enrollment of  
Geneva Cooks, as a Creek Freedman.

CHARLES ROBERTS, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

- Q What is your name? A Charles Roberts.  
Q How old are you? A Fifty.  
Q What is your postoffice address? A Brokenarrow.  
Q Do you know Geneva Cooks? A Yes.  
Q What relation, if any, is she to you? A Granddaughter.  
Q What is her mother's name? A Polly Cooks---one of my daughters.  
Q What is her father's name? A Henry Cooks.  
Q Are both the father and mother citizens of the Creek Nation? A No.  
Q Is Polly Cooks a citizen.  
Q Is Polly Cooks the name that she is enrolled under? A No, Polly  
Roberts.  
Q Is Geneva Cooks ~~Rank~~ living now? A She was day before yesterday.  
Q How old is Geneva now? A She is between four and five years old  
somewhere along there. I do not keep time but I know she is be-  
tween four and five years old.

LIZZ TYLER, being duly sworn, testified as follows:

BY COMMISSION:

- Q What is your name? A Liza Tyler.  
Q How old are you? A 26.  
Q What is your postoffice address? A Brokenarrow.  
Q Do you know Geneva Cooks? A Yes.  
Q What relation, if any, is she to you? A A niece.  
Q What is the name of her mother? A Polly Cooks.  
Q How old is Geneva Cooks now? A Between four and five years old.  
Q That child is living now is it? A Yes.  
Q Do you remember the exact date of the birth of Geneva? A No.

Zera Ellen Parrish, being sworn on her oath states that as  
stenographer to the Commission to the Five Civilized Tribes she  
reported the above case and that this is a full, true and correct  
transcript of her stenographic notes in same.

Subscribed and sworn  
to before me this 30th day  
of March, 1905.

*Zera Ellen Parrish*

*Edw. L. Shiers*

Notary Public.

En. 599.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, APRIL 5, 1905.

-00000-

In the matter of the application for the enrollment of Geneva Cooks, as a Creek Freedman.

POLLY COOKS, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

- Q What is your name? A Polly Cooks.  
Q How old are you? A Twenty-six.  
Q What is your postoffice address? A Broken Arrow.  
Q You are the mother of Geneva Cooks, are you? A Yes.  
Q Did you bring that child in with you? A Yes.  
Q Is that the child in your arms? A Yes, sir.  
Q Is the mid-wife here too? A Yes, sir.

NANCY ROBERTS, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

- Q What is your name? A Nancy Roberts.  
Q How old are you? A Do not know. (Witness appears to be about 50)  
Q What is your postoffice address? A Broken Arrow.  
Q Do you know Geneva Cooks? A Yes, sir.  
Q Were you present at the birth of that child? A Yes.  
Q When was that child born? A No answer.  
Q About how old is that child? A About four years old.  
Q Do you know the month that child was born in? A I do not.  
Q Who is the mother of Geneva Cooks? A Polly Cooks.

POLLY COOKS, re-called:

- Q Did you bring in that record of Geneva's birth? A No.

Witness states that the record containing the date of the birth of Geneva Cooks and other children could not be found and she thinks that it was either destroyed or taken away by Alfred Ray Tyler.

- Q Did you look for that record containing the dates of the birth of your children, especially Geneva Cooks? A Yes.  
Q Could you find it? A No.  
Q Do you have any idea where that book is now? A I do not.

Zera Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes to same. *Zera Ellen Parrish*

Subscribed and sworn to before me  
this 7 day of April, 1905.

*Edward S. [Signature]*  
Notary Public.



En. 399.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

\*\*\*\*\*

In the matter of the application for the enrollment of  
Geneva Cooks as a Creek Freedman.

DECISION:-

The record in this case shows that on October 4, 1902, Polly Cooks appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Geneva Cooks, as a Creek Freedman. Further proceedings were had February 23, March 27, and April 8, 1903.

The evidence shows that said Geneva Cooks was born April 15, 1901, and that she was living at the date of the last proceedings herein.

The evidence further shows that said Geneva Cooks is the minor child of Polly Cooks, and an examination of the records of the Commission shows that the name of said Polly Cooks is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 23, 1903. It is, therefore, the opinion of the Commission that said Geneva Cooks should be enrolled as a Creek Freedman in accordance with the provisions of the Act of Congress June 30, 1902 (32 Stat. 800), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

Muskogee, Indian Territory.

JUN 20 1903

*IN RE*

Application for Enrollment of

INFANT CHILD

*Senara Cook*

as a citizen of

.....Nation.

Approved

.....190.....

.....  
Commissioner.DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED

ACTING CHAIRMAN.

# DEPARTMENT OF THE INTERIOR,

## COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,  
 of Geneva Books, born on the 15 day of April, 1900  
 (Here insert name of child.)  
 Name of Father: Henry Books a citizen of the United States Nation.  
 Name of Mother: Polly Books a citizen of the Creek Nation.  
 Post-office Katoosa, I. T.

### AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
Western District.

I, Polly Books, on oath state that I am 24  
 years of age and a citizen, by blood, of the Creek Nation;  
 that I am the lawful wife of Henry Books, who is a citizen, by  
 of the United States Nation; that a female child was  
 (male or female.)  
 born to me on 15th day of April, 1900, that said child has been  
 named Geneva Books, and is now living.

WITNESSES TO MARK:

(Must be Two  
 Witnesses.)

Polly Books

Subscribed and sworn to before me this 3rd day of April, 1903

My com. Expires 7/12/1906.

John B. Dickinson  
 NOTARY PUBLIC.

### AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
Western District.

I, Nancy Roberts, a midwife, on oath state that I  
 attended on Mrs. Polly Books, wife of Henry Books,  
 on the 15 day of April, 1900, that there was born to her on  
 said date a female child; that said child is now living and is said to have been  
 (male or female.)  
 named Geneva Books.

WITNESSES TO MARK:

(Must be Two  
 Witnesses.)

Isabel Manning  
Bertie New

Nancy Roberts  
mar.

Subscribed and sworn to before me this 3rd day of April, 1903

John B. Dickinson  
 NOTARY PUBLIC.

IN RE  
Application for Enrollment of  
INFANT CHILD

*Geneva Cook*

as a citizen of the

*Creek*

Nation.

Approved \_\_\_\_\_ 190

Commissioner.

Not eligible to enrollment

Filed July 16<sup>th</sup> 1902

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Arush Nation,  
Guion Cook, born on the 15 day of April, 1901  
Name of Father: Henry Cook, a citizen of the US Nation.  
Name of Mother: Polly Cook, a citizen of the Arush Nation.  
Post-Office: Calusa St

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
No. 10 District.  
I, Polly Cook, on oath state that I am 22  
years of age and a citizen, by birth, of the Arush Nation;  
that I am the lawful wife of Henry Cook, who is a citizen, by  
of the US Nation, that a female child was  
born to me on the 15 day of April, 1901; that said child has been  
named Guion Cook, and is now living.

WITNESSES TO SIGN:  
(Must be Two Witnesses.) { Katie Cook  
E D Chart  
Subscribed and sworn to before me this 12 day of July, 1902  
W W Whitman  
My Commission Expires Nov. 5, 1903. Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
No. 10 District.  
I, Nancy Roberts, midwife on oath state that I  
attended on Mrs. Polly Cook, wife of Henry Cook,  
on the 15 day of April, 1901; that there was born to her on said  
date a female child; that said child is now living and is said to have been  
named Guion Cook.

WITNESSES TO SIGN:  
(Must be Two Witnesses.) { Katie Cook  
E D Chart  
Subscribed and sworn to before me this 12 day of July, 1902  
W W Whitman  
My Commission Expires Nov. 5, 1903. Notary Public.



28/3

No. 199.

Muskogee, Indian Territory, September 27, 1904.

M. L. Nett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Geneva Cooks as a Creek Freedman an affidavit relative to the date of birth of said child states that she was born April 15, 1901. From testimony in the case it appears probable that she was born subsequent to May 25, 1901. Pelly Cooks of Gatoosa is her mother.

The Commission desires further evidence in the case and the Creek Nation will be allowed a reasonable time within which to introduce such evidence as it may desire.

Respectfully,

Chairman.

Creek No 899

Muskogee, Indian Territory, January 17, 1906.

Polly Cooke,

Oatoosa, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your minor child, Geneva Cooke, as a Creek Freedman, you are advised that the Commission desires further evidence in the case.

You are heroby notified that you will be allowed thirty days from the date hereof within which to have before the Commission two witnesses, who know the date of the birth of said child, for the purpose of being examined under oath.

Respectfully,

Chairman

Register.

Gr. En. 899.

Muskogee, Indian Territory, June 30, 1908.

M. L. Mett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Geneva Cooks, as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made said Geneva Cooks will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

LM-6-30-421.

Chairman.

#599 ✓  
Or. 7. 2010

Muskogee, Indian Territory, October 25, 1905.

Polly Cooks,

Care Henry Cooks,

Oatoosa, Indian Territory.

Dear Madam:

You are hereby advised that the name of your minor child, Geneva Cooks, is contained in the partial list of Creek freedmen approved by the Secretary of the Interior October 17, 1905, and that application for a selection of land in the Creek Nation may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EW 1963

EW 1963



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T., August 9, 1904.

In the matter of the application for the enrollment of John G. McIntosh as a citizen by blood of the Creek Nation.

APPEARANCES: H. L. Mott Attorney for Creek Nation;

JOHN G. MCINTOSH, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A John G. McIntosh.  
Q How old are you? A I am, I think, about fifty-four years.  
Q What is your post office address? A Grant.  
Q Is that in the Indian Territory? A Yes, sir.  
Q Do you make application for enrollment as a citizen by blood of the Creek Nation? A Yes, sir.  
Q To what town in the Creek Nation do you claim to belong? A Coweta.  
Q Did you ever draw any money from the Creek Nation? A Yes, sir, one time. That is myself, my father might have drawn before that.  
Q What payment was that? A The \$20.00 Payment.

The 1890 Authenticated Tribal Rolls of the Creek Nation examined and the applicant identified thereon at Page 86, Coweta Town.

The 1893 Pay Roll of the Creek Nation examined and the name of the applicant not found thereon.

The 1895 Doubtful Roll of the Creek Nation examined and the applicant not identified thereon.

- Q Where do you live? A In Kiamitia County, Choctaw Nation.  
Q How long have you lived there? A Since 1878.  
Q Where were you born? A In the Creek Nation.  
Q Have you lived in Indian Territory all your life? A Yes, sir.  
I lived a while with my aunt near Texas.  
Q You have lived in Indian Territory more than twenty-five years have you? A Yes, sir.  
Q You have heretofore made application to be enrolled as a citizen by intermarriage of the Choctaw Nation have you? A Yes, sir.

Reference is made to Choctaw Case D-942.

- Q If it should be found that you are entitled to enrollment in either the Choctaw or Creek Nations in which nation do you elect to be enrolled? A In the Choctaw.  
Q Of course if you can't be enrolled in the Choctaw Nation you want to be enrolled as a Creek? A Yes, sir.  
Q In the event that you are hereafter finally enrolled as a citizen of the Choctaw Nation do you relinquish whatever right you may have in the Creek Nation? A Yes, sir.  
Q In the event that it should be found that you are not entitled to enrollment in the Choctaw Nation and that you are entitled to enrollment in the Creek Nation do you relinquish whatever right you may have in the Choctaw Nation? A Yes, sir.  
Q You prefer to be enrolled in the Choctaw Nation? A Yes, sir.  
Q Have you a child named Alexander? A Yes, sir.  
Q Have you one named William? A Yes, sir.

John C. McIntosh--2.

- Q Have you one named Ruth? A Yes, sir.  
Q Did you draw money for these children that I have mentioned from the Creek Nation? A Yes, sir.  
Q They have been enrolled as citizens of the Choctaw Nation have they? A Yes, sir.  
Q And lands been allotted to them? A Yes, sir. All my children have filed on their land.  
Q Do you relinquish all rights that they may have had to allotments of land and distributions of money in the Creek Nation? A Yes, sir.

-----O-----

I, Drinnan C. Skaggs, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

Drinnan C. Skaggs

Subscribed and sworn to before me this 19th day of August, 1904.

Charles T. Jones  
Notary Public.

No. 600.

COMMISSIONERS TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John O. McIntosh as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on August 9, 1904, John O. McIntosh appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for enrollment as a citizen by blood of the Creek Nation.

It appears from the evidence of the applicant that prior to the date of said application he had been married for enrollment as a citizen by blood of the Creek Nation, and he stated, in the evidence, that he was determined that he was entitled to be enrolled as a citizen by inter-marriage of the Creek Nation, to be enrolled and to take his rights as such.

It further appears that on November 1, 1903, the enrollment of the said applicant as a citizen by blood of the Creek Nation was approved by the Secretary of the Interior, and his name appears in the records of the married white roll of the Creek Nation, and the same is in the eighth paragraph of section 1406 of the Act approved June 24, 1906 (34 Stat., 421) providing:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to such tribes, and if no such agreement be made, the said persons shall be entitled to such rights in the tribe in which they first acquired citizenship, and if he fails to make such election, he shall be entitled to such rights in the tribe in which he first acquired citizenship."

It is the opinion of the Commission that the said applicant is entitled to be enrolled as a citizen by blood of the Creek Nation, and the same is in the eighth paragraph of section 1406 of the Act approved June 24, 1906 (34 Stat., 421) providing:

Gr.M.600.

Muskogee, Indian Territory, January 16, 1907.

John S. McIntosh,

Grant, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of yourself as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

LM- 80.

Commissioner.

Gr. No. 600.

Muskogee, Indian Territory, January 16, 1907.

M. L. Mett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of John G. McIntosh, as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-51.



Cr. No. 227.

Muskogee, Indian Territory, January 16, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of John G. McIntosh, as a citizen by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 14, 1907, denying said application.

Respectfully,

LM-82.

Commissioner.

Through the Commissioner  
of Indian Affairs.

CP.M. 800

FW

Wahogoo, Indian Territory, March 4, 1907.

John O. McIntosh,

Grant, Indian Territory.

Dear Sir:—

You are hereby advised that under date of February 20, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of yourself as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

CRW  
LLB

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D. 3974-1907.  
D.O. 10679-1907.

February 20, 1907.

LRS

Direct.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

January 16, 1907, you transmitted the record in the matter of the application for the enrollment of John G. McIntosh as a citizen by blood of the Creek Nation, including your decision dated January 14, 1907, adverse to the applicant.

Reporting February 16, 1907 (Land 6001), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

1 inc. and 2 to Ind. Of.

ATG  
1-21-07.

Refer in reply to the following:  
Land 6001-1907.

COPY

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

February 16, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 16, 1907, enclosing record of the proceedings had in the matter of the application for the enrollment of John G. McIntosh as a citizen by blood of the Creek Nation.

The record shows that the applicant herein is about 54 years of age, and a resident of Grant, Indian Territory; that his name appears on the 1890 authenticated tribal rolls of the Creek Nation at Page 54, and that he had lived in the Choctaw Nation since about the year 1875.

It further appears that he had made application for enrollment as a citizen by intermarriage of the Choctaw Nation, and he elected, & in the event it should be determined that he was entitled to be enrolled as a citizen by intermarriage of the Choctaw Nation, to be enrolled as such and take his rights in that nation.

The record further shows that on November 27, 1905, the enrollment of John G. McIntosh as a citizen by intermarriage of the Choctaw Nation was approved by the Department, and that his name appears on the approved intermarried white roll of the Choctaw

Nation opposite No. 1499.

Section 21 of the Act of September 23, 1897, (30 Stat. 2, 495), provides that persons shall be enrolled as rights in one tribe only, and that they may elect into which tribe they will take such rights.

The applicant having elected to be enrolled as an intermarried Choctaw, the Office is of the opinion that the decision of the Commissioner to the Five Civilized Tribes, dated January 14, 1907, denying his right to be enrolled as a citizen by blood of the Creek Nation is correct, and it is respectfully recommended that it be affirmed.

Very respectfully,

G. F. Iarrabee,

Acting Commissioner.

EWB-ED



CR 11/1

CR 11/1

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 9, 1904.

In the matter of the application for the enrollment of Red Bird Harris as a citizen by blood of the Creek Nation.

WILLIAM R. HARRIS, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A William R. Harris.  
Q How old are you? A Forty-one.  
Q What is your post office address? A Muskogee.  
Q Do you make application for the enrollment of Red Bird Harris as a citizen by blood of the Creek Nation? A Yes, sir.  
Q Is he living or dead? A Dead.  
Q What town did he belong to? A Big Spring.  
Q When did he die? A June 20, 1902.  
Q How old was he when he died? A Sixty-three.  
Q Did he live in the Creek Nation at the time of his death? A Yes, sir.  
Q How long had he been living in the Creek Nation? A About thirty-five or forty years.  
Q He also claimed rights in the Cherokee Nation didn't he? A Yes, sir.  
Q Was he both Cherokee and Creek by blood? A No, sir.  
Q Was he Creek by blood? A No, sir, Cherokee.  
Q He had no Creek blood? A No, sir. Not that I know of.  
Q What is the name of his wife? A Ellen.  
Q Was she a Creek by blood? A Creek and Cherokee.  
Q What were the names of his children? A One named William, one named Charlie, John and Chawspacah.  
Q Were these all his children? A There was a little girl named Susan. Died a good while ago.  
Q Did he have a child whose initials are R. B.? A I don't know.  
Q Did he have a child whose initials are E. B.? A No, sir.  
Q Do you know how he got to be a citizen of the Creek Nation? A By living here.  
Q Do you know whether he ever drew any money for himself in the Creek Nation or not? A I don't know, but I think he did. I am not certain.

The 1890 Authenticated Tribal Roll of the Creek Nation examined and Red Bird Harris identified thereon at Page 45, Coweta Town, as R. B. Harris.

- Q How did your father sign his name? A R. B. Harris.

The 1890 Pay Roll of the Creek Nation examined and Red Bird Harris identified thereon at No. 77, Coweta Town, as R. B. Harris. On both said rolls the following notations appear: "Cherokee". These notations appear to have been placed on said rolls after they came into the possession of the Commission.

- Q Did your father during his life-time make application to this Commission for enrollment as a citizen of the Cherokee Nation? A I don't know. I think he did about a year before he died.

Red Bird Harris---2.

I, Drennan C. Skaggs, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

*Drennan C. Skaggs*

Subscribed and sworn to before me this 19th day of August, 1906.

*Charles H. Sawyer*  
Notary Public

COMMISSIONERS:  
SAMUEL HUNT,  
THOMAS L. HARRIS,  
C. L. BUCHANAN,  
Wm. C. SMALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ms  
CHEROKEE-7649.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 28, 1904.

Commission to the Five Civilized Tribes,  
Creek Enrollment Division.

Gentlemen:

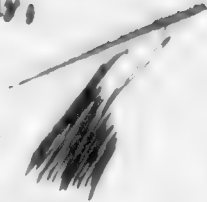
The Commission is in receipt of your letter of August 28, enclosing testimony of William Harris, given at Muskogee, on August 9, 1904, in the matter of his application for the enrollment of his father, Red Bird Harris, as a citizen by blood of the Creek Nation. You ask to be advised if application has ever been made for the enrollment of this person as a citizen by blood of the Cherokee Nation.

In reply you are advised that the Commission's records show that on June 10, 1902, Redbird Harris applied for the enrollment of himself as a citizen by blood of the Cherokee Nation, that he was on that date listed for enrollment on Cherokee straight card No. 7649, it being shown that he was admitted to citizenship in the Cherokee Nation by an act of Council of December 6, 1883; that thereafter on December 7, 1902, there was filed an affidavit showing the death of the said Redbird Harris "about the middle of July," 1902. No further action has been taken in this case, the applicant having died prior to

212

September 2, 1902.

Respectfully,

A handwritten signature, possibly "J. H. ...", written in dark ink. The signature is somewhat stylized and appears to be written over a horizontal line.

Chairman.



IN RE  
THE DEATH OF

*R. B. Harris*

a citizen of the

*Chick*

Nation.

Approved

190

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED

*August 9, 1904*

CHAIRMAN.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of R. B. Harris  
(Here insert name of deceased.)  
a citizen of the Creek  
Muskogee Nation, who formerly resided at or near  
(Here insert name of postoffice.) Ind. Ter., and died on the 20<sup>th</sup> day of  
July, 1902.

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western DISTRICT.

I, R. B. Harris, on oath state that I am 41  
years of age and a citizen, by blood, of the Creek Nation;  
that my postoffice address is Muskogee, Ind. Ter.; that I am  
the son of R. B. Harris  
(State relationship not the father; an uncle, a cousin, etc.) (Here insert name of deceased.)  
who was a citizen, by blood, of the Creek Nation;  
and that said R. B. Harris died on the 20<sup>th</sup> day of  
July, 1902.

WITNESSES TO MARK:

(Must be Two Witnesses.) { Alex Posey

Subscribed and sworn to before me this 9<sup>th</sup> day of August, 1902.

W. P. Harris  
J. H. Martin Jr.  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
DISTRICT.

I, \_\_\_\_\_, on oath state that I am \_\_\_\_\_  
years of age, and a citizen by \_\_\_\_\_, of the \_\_\_\_\_ Nation;  
that my postoffice address is \_\_\_\_\_, Ind. Ter.;  
(Here insert name of postoffice.)  
that I was personally acquainted with \_\_\_\_\_  
(Here insert name of deceased.)  
who was a citizen, by \_\_\_\_\_, of the \_\_\_\_\_ Nation;  
and that said \_\_\_\_\_ died on the \_\_\_\_\_ day of \_\_\_\_\_,  
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must be Two Witnesses.) { \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1902.

22/3  
En. 601.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:o:-

In the matter of the application for the enrollment of Red Bird Harris, deceased, as a citizen of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on August 9, 1904, William R. Harris appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his deceased, father, Red Bird Harris, as a citizen of the Creek Nation.

The evidence shows that said Red Bird Harris is identified on the 1890 authenticated Tribal Roll of the Creek Nation, and on the 1895 pay-roll of said Nation, and that he died June 20, 1902. The evidence further shows that said Red Bird Harris had, at the time of his death, resided thirty years in the Creek Nation.

It is, therefore, the opinion of the Commission that said Red Bird Harris should be enrolled as a citizen of the Creek Nation in accordance with the provisions of the Acts of Congress, June 28, 1898, (30 Stat. 495), and March 1, 1901, (31 Stat. 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

JUN 14 1905

JH

Muskogee, Indian Territory, August 22, 1904.

Commission to the Five Civilized Tribes,  
Cherokee Enrollment Division.

Gentlemen:

On August 9, 1904, William Harris appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his father, Red Bird Harris, as a citizen by blood of the Creek Nation. A copy of the testimony is inclosed.

It appears from the evidence then submitted that said Red Bird Harris also made application for enrollment as a citizen of the Cherokee Nation.

You are directed to advise the Creek Enrollment Division whether application was ever made for the enrollment of said Red Bird Harris as a citizen of the Cherokee Nation, and if so, what disposition has been made of the same.

Respectfully,

Chairman.

KCH-2-22-8.

Gr 44 601

Muskogee, Indian Territory, June 18, 1906.

M. L. Mott,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Red Bird Harris (deceased) as a citizen of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to file protest against said decision, and if, at the expiration of that time, no protest has been filed, said Red Bird Harris (deceased) will be regularly listed for enrollment as a citizen of the Creek Nation.

Respectfully,

Chairman.

JY-16-20





Muskogee, Indian Territory, September 30, 1906.

Red Bird Harris,

Muskogee, Indian Territory.

Dear Sir:

You are advised that your name is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior September 21, 1905, and that you may now make application for a selection of land in the Creek Nation at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR BU 602

CR BU 602

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 9, 1904.

In the matter of the application for the enrollment of Annie Davis as a Creek Freedman.

APPEARANCES: R. P. DeGraffenreed Atty. for applicant.

ANNIE DAVIS, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Annie Davis.  
Q How old are you? A I don't know, sir.  
Q About how old are you? A About 47.  
Q What is your post office address? A Tullahassee.  
Q Do you make application for enrollment as a Creek Freedmen? A Yes, sir.  
Q Have you some children you wish to have enrolled? A Yes, sir.  
Q What is the name of the oldest? A Henrietta Shaw.  
Q How old is she? A Twenty-six.  
Q What is the name of the next one? A Amanda Wells.  
Q How old is she? A Eighteen.  
Q What is the name of the next? A Della Wilson.  
Q How old is she? A Seventeen.  
Q What is the name of the next? A Jannie Wilson?  
Q How old is Jannie? A Sixteen.  
Q What is the next? A Lizzie Ann Wilson.  
Q How old is she? A Eleven years old.  
Q What is the name of the next one? A Nettie Wilson.  
Q How old is she? A Nine years old.  
Q What is the name of the next? A The other two are my grandchildren.  
Q What is the name of the oldest? A Lizzie Shaw.  
Q How old is she? A Eight years old.  
Q Who is Rosetta? A My daughter.  
Q Is she living? A Yes, sir.  
Q How old is she? A Twenty-five years old.  
Q What is her other name? A Perry.  
Q Where do you live? A In the Creek Nation.  
Q Where does Henrietta live? A In the Creek Nation.  
Q Where does Rosetta live? A Missouri.  
Q How long has she been in Missouri? A Went there last August.  
Q Where did she live before she went there? A In the Creek Nation.  
Q Did she live in the Creek Nation all her life until a year ago?  
A No, she lived in South McAlester. Went back and forth.  
Q Where does Amanda live? A In the Creek Nation. Lived here all her life.  
Q Do these other children live with you? A Yes, sir.  
Q All these people you mention here are living? A Yes, sir, they are living.  
Q Did all of these children of yours have the same father? A Yes, sir.  
Q What is his name? A Ben Wilson.  
Q Is he a Creek Citizen? A No, sir.  
Q Is he a state man? A Yes, sir.  
Q What is the name of Lizzie Shaw's father? A Martin Shaw.  
Q Is he a citizen of the Creek Nation? A No, sir. State man.  
Q What is the name of your father? A Doc Grayson.  
Q Do you claim that he is a citizen of the Creek Nation? A Yes, sir.

cf q.  
Annie Davis---  
A

Q Is he living or dead? A Dead.

Q To what town in the Creek Nation did he belong? A I don't know, sir, what town he belonged to.

The 1896 Doubtful Roll of the Creek Nation examined and the names, Annie Grayson, Henrietta Grayson, Rosetta Grayson, Mary Lucy Grayson, Della Grayson, Mandy Grayson, Jennie Grayson and Lisa Grayson found thereon, in Arkansas Town.

Q Have you ever drawn any money from the Creek Nation? A No, sir.

Q Has any money ever been drawn for any of these children from the Creek Nation? A Not that I know of.

William Hawkins, being duly sworn, testified as follows:

By Commission:

Q What is your name? A William Hawkins.

Q What is your age? A About forty.

Q What is your post office address? A Muskogee.

Q Do you know Annie Davis? A Yes, sir.

Q Were you a member of the Town Council in 1895? A Yes, sir.

Q Do you know anything about her and her children being approved at that time? A Yes, sir.

Q State what you know about it? A They was on the Arkansas Town Roll. On the doubtful list and after we taken our seat as members of the Council the Council appointed a Committee to examine the rolls and she and her children were admitted by that Committee.

Q Was that the Committee of Eighteen? A I think it was a Committee of Sixteen.

By R. P. DeGraffenreud:

Q After that Committee had placed them on the roll did they make a report to the Council? A Yes, sir.

Q Was that report which was made by that Committee acted on by the Council? A Yes, sir.

Q What was the action taken by the Council on that Report? A They adopted it.

Q You say you were a member of the Council at that time? A Yes, sir.

Q Which branch of the Council were you in? A House of Warriors.

Q Were you present when the vote was taken to approve or adopt this report? A I was present.

Q Do you know what became of the report after it left your branch of the Council? A No, sir.

Q Did it take the action of both houses to adopt that report? A Yes, sir.

Q Do you know of your own knowledge whether or not this report made by the Committee was adopted by the entire Council? A I don't know whether it passed the Kings house or not but it passed ours.

Q That is your understanding? A Yes, sir.

Q This other matter you know of your own personal knowledge? A Yes, sir. William McIntosh was then Town King.

By Commission:

Q Was that in 1895? A Yes, sir.

Q Did the Creeks have a payment in 1895? A Yes, sir.

Q Do you know whether any money was ever drawn for Annie Davis and her children or not? A No, sir, there was none drawn.

Q Was there not an omitted payment after the regular '95 payment? A Yes, sir.



The Board shall determine the terms of any such application, and the terms of any such application shall be subject to the approval of the Board. The Board shall also determine the time to introduce such an application, and the time to introduce such an application shall be subject to the approval of the Board.

— 0000000000 —

I, Dorman C. Stagg, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Green Chaps

Subscribed and sworn to before me this 19th day of August, 1934.

~~Charles H. Savage~~  
JOSEPH P. PUGH



Ex. 602.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY, APRIL 26, 1905.

-ooOoo-

In the matter of the application for the enrollment of  
Annie Davis, et al., as Creek Freedmen.

APPEARANCE: R. B. DeGRAFFENREED, Attorney  
for applicants.

GABRIEL JAMERSON, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Gabriel Jamerson.
- Q How old are you? A Sixty-four.
- Q What is your postoffice address? A Wybark, Indian Territory.
- Q Are you a citizen of the Creek Nation? A Yes.

EXAMINATION BY R. B. DeGRAFFENREED:

- Q Do you hold any official position to-day in the Creek Nation?  
A Town King.
- Q Of what Town? A Arkansas Colored.
- Q Can you estimate the number of years that you have served as  
Town King all together? A Yes, about seventeen years.
- Q Were you Town King of Arkansas Colored Town in 1895--when the  
Creek Rolls, as reported by the Committee of Eighteen, was ap-  
proved by the Council? A Yes.
- Q Do you know Annie Grayson, the applicant for citizenship in this  
case, and her children---she is now known as Annie Davis or  
Wilson? A Yes.
- Q How long have you known her? A Not very long--a couple of  
years, I guess. I am not very well acquainted with her; I was  
her once and awhile.
- Q How long have you known of her being in the Creek Nation? A About  
a couple of years.
- Q I do not mean how long have you known her, but how long has she  
been in the Creek Nation; how long had she been in the Creek  
Nation when you first met her? A She was in the Creek Nation  
sometime before I knew her, and I paid no attention to her until  
they brought her before the Council.
- Q Do you know whether or not her name or the name of her children  
were on the approved list which passed the House of Kings in  
1895, as reported by the Committee of Eighteen? A Yes, it was.
- Q Was she from that time on a recognized citizen of the Creek  
Nation? A I do not know about that. There seemed to be some  
trouble with her; I do not know what that trouble was about.
- Q Was that trouble before her name and the names of her children  
were put on the approved Roll which passed the House of Kings  
in 1895, as reported by the Committee of Eighteen? A After that.

Davis, et al...#2.

- Q Then how did the trouble come if she was on the regular adopted Roll? A I can tell how that was.
- Q You may tell what you know? A After the Eighteen Committee they had another set of Committees to investigate every roll, and they called each one of the Town Kings of twenty-seven towns and said that they wanted to examine these town rolls, and they did examine the rolls. This fight was all between the Town Kings. If I thought that person was not a regular citizen I would say let's have an investigation.
- Q Was that in 1896? A Yes. And after that they notified the people that was rejected from the rolls so that they could come up before the Colbert Commission. But some they notified and some they did not notify.
- Q Do you swear that she was on the approved roll, as recommended by the Committee of Eighteen and that passed the Council in 1895? A I know she was on that roll.
- Q When you was in the House of Kings? A I know that she was not rejected at all.
- Q Were they on the approved roll that passed the Council in 1895--- you answered that question but I want to be sure about it? A That was in 1895, was it?
- Q Yes, as reported by the Committee of Eighteen? A Yes, they was on that roll; the approved roll.

EXAMINATION BY COMMISSION:

- Q Was the approved roll that you say these people's names were on approved by the Council before or after the payment in 1895? A They changed in 1895.
- Q I will repeat the question. Was the approved roll that you say these people's names were on approved by the Council before or after the payment in 1895? A The roll was approved at the '95 payment.
- Q What was the purpose in approving that roll---what did they approve a roll at that time for? A I do not know very much about that but the rolls were approved. The rolls was not only approved in my town but in each town.
- Q I want to tell you what the Creek Law Book shows about the making of the Rolls in the Creek Nation. It appears that in 1895 the Creek Nation was about to have a payment of \$14.40 per head; that it was generally believed that there were a great many people on the rolls who did not belong on the rolls; that the Creek Council in order to find out who these people were and to have them taken off the Rolls appointed a Committee called the Committee of Eighteen; this Committee of Eighteen examined the rolls and made a report to the Creek Council; they reported that they found so many people on the rolls, something over 13,000, and they also reported that they had stricken from the rolls, as doubtful, 619 names; that report of the Committee was approved by the Council, and from that roll the payment of 1895 was made. Now, after that, they appointed in 1896 a Commission known as the Colbert Commission to further investigate the rolls---the Colbert Commission worked for sometime and was succeeded by still another Commission which was appointed to complete the work and sometime in the month of October or November, (I am not positive as to which), 1896, this other Commission made a report to the Council of the result of its labors in examining the rolls---I want to know if you refer to the roll that was reported by the Committee of Eighteen in 1895, or do you refer to the roll that was reported by the Colbert Commission, or to the Commission that succeeded the Colbert Commission in 1896? A I will tell you what I know. There was a good many left off that roll---the approved roll; we thought they was on the rolls but they got stricken off of it; they made a Supplemental Roll. But I am satisfied

Davis, et al... #3.

- these people were on that 1895 roll.
- Q Is that the roll they made the payment from? A Yes, they made a payment from that roll. When they were brought up for payment some were left off; I don't know how that was, but I am satisfied that these people were on that 1895 roll.
- Q You say the Council approved a roll in 1895? A Yes. There was a roll for making payments from, and then after that they made another roll and the council approved it.
- Q Was that the same year? A Yes, but just what time in the year I disremember.
- Q Have you any idea of the time your Council adjourned in 1895? A About the first of November.
- Q And what time was the payments made? A It was going on while the Council was in session.
- Q The people that were left off the rolls at the time of the payment, were they put on the Supplemental Roll and paid later on? A Yes, they were put on later on and they were paid off.
- Q Do these two rolls--the roll from which the payment was made in 1895, and the roll from which the Supplemental roll was made constitute the entire roll, as approved by the Council? A Some never did get on; some never was paid off.
- Q Were their names on the roll whether they were paid or not? A Yes, their names were on the rolls; some they left off and they never did get back on.

Zera Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Zera Ellen Parrish

Subscribed and sworn  
to before me this 28  
day of April, 1905.

Edward Herrick  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, September 28, 1905.

In the matter of the application for the enrollment of  
Annie Davis et al., as Creek freedmen.

Annie Davis, being duly sworn, testified as follows:

Q What is your name? A Annie Davis.

Q How old are you? A About 42.

Q You are the same person that appeared here on August 9, 1904,  
and made application for the enrollment of yourself and your  
children, and grandchildren? A Yes, sir.

Q At that time in the course of the testimony when you gave the  
names of the persons for whom you made application, you answered  
a question by saying "the other two are my grandchildren."

Q You were asked to name them and you said "Lizzie Shaw" and the  
name of the other one was not asked for, what was the name of  
the other grandchild? A Zora Shaw.

Q How old is he? A He is dead.

Q When did he die? A He died before the year they registered/.

Q Do you know the year Zora died in? A No, sir.

Q He died before they began filing? A Yes, sir.

Q What is the name of your grandchild Lizzie Shaw's father?  
A Martin Shaw.

Q Is he a citizen of the Creek Nation? A No, sir.

Q Is he a citizen of any tribe in Indian Territory? A No, sir.

I, Anna Garrigues, on oath state that the above is a true and  
correct transcript of my stenographic notes as taken in said  
cause on said date.

*Anna Garrigues*

Subscribed and sworn to before me this 28th day of September 1905.

*Edw. C. Garrison*  
\_\_\_\_\_  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Annie Davis, et al. as Creek Freedmen.

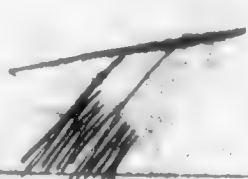
SUPPLEMENTAL STATEMENT.

Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867, examined, and the name of Annie Davis does not appear thereon.

Tribal rolls of the Creek Nation in the possession of this Office examined, and the names of none of the applicants herein appear on any of said Rolls.

Record of the proceedings of the Colbert Commission in the possession of this Office, examined, and it does not appear that application was made to said Commission for the admission of the applicants herein, or any of them, to citizenship in the Creek Nation.

Record of the proceedings of the Commission to the Five Civilized Tribes, under the provisions of the act of Congress of June 10, 1896, examined, and it does not appear that application was made to said Commission for the admission of the applicants herein, or any of them, to citizenship in the Creek Nation.



Commissioner.

Muskogee, Indian Territory,  
December 26, 1905.



DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
JUNE, 7, 1906.

In the matter of the application for enrollment of  
Annie Davis, et-al as Creek freedmen.

Mose Smith being duly sworn, testifies as follows:

- Q: What is your name? A: Mose Smith.  
Q: How old are you? A: I am 40 years old next month.  
Q: What is your post-office address? A: Porter.  
Q: Are you a citizen of the Creek nation?  
A: Yes sir.  
Q: Citizen by blood? A: Yes sir.  
Q: Are you acquainted with the applicants in this case,  
Annie Davis, et-al? A: No sir.  
Q: Are you a full blooded Indian? A: Yes sir, I wasn't a  
full-blooded but it was on the roll.  
Q: Were you a member of the Creek council in 1895? A: Yes sir  
Q: House of Kings or Warriors? A: Warriors.  
Q: Were you on the committee of 18 to revise the Creek rolls  
in 1895? A: Yes sir.  
Q: What position if any did you hold on that committee?  
A: Chairman.  
Q: You were chairman of the committee? A: Yes sir.  
Q: How many names were presented to you for your action?  
A: Citizens or doubtful ones? The doubtful ones there were  
a little over 600.  
Q: What did you as chairman of that committee do with those  
doubtful names?  
A: When the committee did not know whether or not they were  
citizens, I had the clerks put them on the doubtful roll.  
Q: Now when they were placed on the doubtful roll what was  
done with that list? A: It was laid to the council  
and the council appointed the five commissioners to look  
the matter over.  
Q: Were you one of these commissioners? A: No sir.  
Q: Who were these commissioners? A: James Colbert was the  
chairman and Tom Harbison was one, I forget the other three  
Rolly McIntosh was prosecuting attorney.  
Q: Well, Mose do you know anything about this roll of doubtful  
citizens that is here in the Creek nation today?  
A: Well when the commissioners heard that they put me there a  
good while, I don't know, but if I am not mistaken it was  
over 200.  
Q: Were they put on the authentic roll? A: Yes sir.  
Q: You don't know anything about the applicant for citizenship  
Annie Davis? A: No sir.  
Q: Her name appeared on the town roll did it not?  
A: I don't know.  
Q: That is how it was. it got on the doubtful roll it was  
taken from the Kings roll? A: Yes sir.  
Q: Do they draw that per capita payment as citizens?  
A: Very few I think.  
Q: That is about all you know about it? A: Yes sir, about  
all I knew.

Questions by the Commission.

- Q: What did you state was the purpose of making up that doubtful roll?
- A: So many of them, the Choctaw and Chickasaw and Seminoles was mixed up and the council passed a resolution to appoint a committee to pick out these citizens and put them on the doubtful roll, whether citizens or not, that is how 47 towns came on the Creek Nation, and where we didn't know we had them put on the citizens roll, in that way there were names of person placed on that doubtful roll who were not citizens of any other nation. They just put them on the doubtful roll.
- Q: Couldn't there have been names on these rolls, or on that doubtful roll of colored people who were not freedmen of other nations? A: There was Colored, whites and Indians.
- Q: And the purpose of doing this was because if there was a question, you put the name of that person on the doubtful roll? A: Yes sir.
- Q: That is where there might be something wrong? A: Yes sir. Well you know they had been drawing a twenty-nine dollar payment and so they wanted to take people who were not entitled, off the roll and that is why the Nation wanted to fix the roll right.
- Q: Then you were a member of the Committee that went over the rolls and decided who were entitled?
- A: Yes sir, and who were not entitled. If they are entitled they can come to the Commissioner and prove their rights whether they are citizens or not.
- Q: If they were not entitled their names were not put on the authentic roll, were they? A: Yes sir.

I, Julia C. Laval, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Julia C. Laval

Subscribed and sworn to before me  
this 13 day of June, 1906.

W. H. Laine  
Notary Public.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Annie Davis, Henrietta Shaw, Amanda Wells, Della Wilson, Jennie Wilson, Lissie Ann Wilson, Nettie Wilson, Rosetta Perry, and her grandchildren, Lissie Shaw and Zora Shaw, as Creek freedmen.

DECISION.

The record in this case shows that on August 9, 1904, Annie Davis appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of herself, her children, Henrietta Shaw, Amanda Wells, Della Wilson, Jennie Wilson, Lissie Ann Wilson, Nettie Wilson, Rosetta Perry, and her grandchildren, Lissie Shaw and Zora Shaw, as Creek freedmen. Further proceedings were had April 26, 1905, September 28, and December 26, 1905, and June 7, 1906.

The evidence shows that said Henrietta Shaw, Amanda Wells, Della Wilson, Jennie Wilson, Lissie Ann Wilson, Nettie Wilson and Rosetta Perry are the children, and that said Lissie Shaw and Zora Shaw are the grandchildren, of said Annie Davis, and that no claim is made that the father of said children and the father of said grandchildren, or either of them, are citizens of the Creek Nation.

The evidence further shows that said Annie Davis was born prior to the making of the roll of Creek freedmen prepared by J. W. Dunn in 1867.

It does not appear that the names of any of the applicants herein appear on said roll prepared by J. W. Dunn in 1867, or any other authenticated tribal roll of the Creek Nation, or that they have ever been admitted to citizenship in the Creek Nation by the Creek Tribal authorities, the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved June 10, 1906, (34 Stat. L. 381) or the United States Court in Indian Territory on appeal.

It is, therefore, observed and adjudged, that there is no authority of law for the enrollment of said Annie Davis, Henrietta Shaw, Amanda Wells, Della Wilson, Jennie Wilson, Lissie Ann Wilson, Nettie Wilson, Rosetta Perry, Lissie Shaw, or Zora Shaw, as Creek freedmen, and the application for their enrollment as such is accordingly denied.

Muskogee, Indian Territory.

COMMISSIONER.

FEB 5 - 1907

COMMISSIONERS:  
TAMM HENRY,  
THOMAS H. NEEDLES,  
C. A. BUCHHEIMER.  
—  
WM. G. SHALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

5124  
OFFICE OF THE COMMISSIONER  
OF THE FIVE TRIBES  
OF INDIAN TERRITORY  
Muskogee, Indian Territory, May 22, 1906.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 22, 1906.

Annie Davis,  
Tullocksee, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself, your children and your two grand-children, as Creek citizens, you are hereby notified that the Commission desires further evidence relating to the dates of the births of your two grand-children and also as to their parentage.

You are advised that you will be allowed thirty days from date hereof within which to appear before the Commission, at its office, in Muskogee, Indian Territory, with at least two witnesses who can testify as to the birth and parentage of said children.

Respectfully,



Chairman.

Register.

366

Annie Davis,

Tulishassee, Indian Territory.

Dear Madam :--

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself, Annie Davis, Harrietta Shaw, Amanda Wells, Della Wilson, Jannie Wilson, Lizzie Ann Wilson, Nettie Wilson, Linnie Shaw, Rosetta Perry and Zera Shaw as Creek freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Registered.

JWH 5-3



En. 608.

JWH

Muskogee, Indian Territory, February 5, 1906.

R. P. DeGraffiered,

Attorney for Annie Davis, et al.,

Muskogee, Indian Territory.

Dear Sir :-

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Annie Davis, et al., as Creek freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

*Tamm Rixby*

Commissioner.

JWH 5-4

REFER IN REPLY TO THE FOLLOWING:

No. 602.

748X  
DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 2, 1898.

Annie Davis,

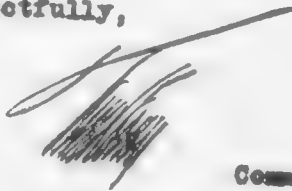
Tulahassee, Indian Territory.

Dear Madam :--

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself, Annie Davis, Henrietta Shaw, Amanda Wells, Della Wilson, Jannie Wilson, Lizzie Ann Wilson, Nettie Wilson, Lizzie Shaw, Rosetta Perry and Zora Shaw as Creek freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,



Commissioner.

Registered.

JWH 5-3

No. 402.

JWH

Muskogee, Indian Territory, February 5, 1907.

366

The Honorable,

The Secretary of the Interior.

Sir :--

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Annie Davis, Henrietta Shaw, Amanda Walls, Della Wilson, Jannie Wilson, Lizzie Ann Wilson, Nettie Wilson, Lizzie Shaw, Rosetta Perry and Zora Shaw as Creek freedmen, including the decision of the Commissioner, dated February 5, 1907.

Respectfully,

*James Bixby*  
Commissioner.

Through the Commissioner  
of Indian Affairs.

JWH 5-6

Briefing for back.

February 5, 1907.

Transmits record in the matter of enrollment of Annie Davis, Henrietta Shaw, Amanda Walls, Della Wilson, Jannie Wilson, Lizzie Ann Wilson, Nettie Wilson, Lizzie Shaw, Rosetta Perry and Zora Shaw as Creek freedmen.

Bu. 502.

JWH

Muskogee, Indian Territory, February 5, 1907.

366

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir :--

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Annie Davis, et al., as Creek freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

JWH 5-5

COPY.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS.  
WASHINGTON.

Land  
15145-1907.

February 27, 1907.

The Honorable,

The Secretary of the Interior.

sir:

There is enclosed a record of the proceedings in the matter of the application for <sup>the</sup> enrollment of Annie Davis, Henrietta Shaw, Amanda Wells, Della Wilson, Jannie Wilson, Lissie Ann Wilson, Nettie Wilson, Lissie Shaw, Rosetta Perry and Kora Shaw, as Creek Freedmen, including the decision of the Commissioner to the Five Civilized Tribes dated February 5, 1907, adverse to the applicants.

The record shows that on August 9, 1904, Annie Davis appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of the applicants, herein as Creek Freedmen. Further proceedings were had on April 26, 1905, September 28, 1905, December 26, 1905, and June 7, 1906.

The evidence shows that Henrietta Shaw, Amanda Wells, Della Wilson, Jannie Wilson, Lissie Ann Wilson, Nettie Wilson and Rosetta Wilson are the children, and that Lissie Shaw and Kora Shaw are the grandchildren of Annie Davis, and that no claim is made that the father of the children and the father of the grandchildren are citizens of the Creek Nation. The evidence further shows that Annie Davis was born prior to the making of the roll of Creek freedmen prepared by J.W. Dunn in 1867.



Commissioner of the General Land Office, Department of the Interior, Washington, D. C., and  
of the applicant, subject of the above petition, and petitioned by J. P. Paul  
in 1907, of the same jurisdiction, and the same petitioned by J. P. Paul  
has since been admitted to citizenship in the United States, by the proper United  
authorities, the Commission to the Land Office, under provisions of the Act  
of June 10, 1906, (34 Stat. L., 225), of the U. S. Court in the United States  
Court.  
Therefore, in pursuance of the provisions of Section 51, of the Act of  
June 10, 1906 (34 Stat. L., 225), the office hereby in the decision of the  
Commissioner hereby denying the enrollment of the applicant herein by order from the

Very respectfully,

G. F. Lawrence,

Acting Commissioner.

HM-7

DEPARTMENT OF THE INTERIOR

JP.  
RJH

WASHINGTON.

MARCH 4, 1907.

I.T.D. 8940, 6130, 7256, 7282, 7282-1907  
7298, 7310, 7324, 7334, 7342, 7386,  
7396, 7398, 7400, 7402, 7408, 7416,  
7430, 7432, 7436, 7438, 7458, 7460,  
7462, 7488, 7492, 7506, 7528, 7638,  
7670, 7702, 7704, 7718, 7720, 7736-1907.

LRS. Direct.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed.

Title of Case.

Date of your  
letter of transmittal.

Annie Davis, et al., (freedmen)	February 5, 1907
Martha Monika Davidson,	February 9, 1907
William Perryman,	February 18, 1907
Isreal Micco,	February 16, 1907
Kissie, (deceased),	February 16, 1907
Mary Perryman (deceased)	February 16, 1907
James Larney (deceased)	February 16, 1907
Genetta and Idabell Rentie, (freedmen)	February 20, 1907
Snake,	February 20, 1907
James F. Pendleton, deceased,	February 20, 1907
Lilly Valentine et al., (freedmen)	February 21, 1907
Frank Jackson, (deceased) (freedman)	February 20, 1907
Rose Blanton, (freedman)	February 19, 1907
Lola Love, (freedman)	February 20, 1907
Dora Lee and Savannah G. Castle (Freedman)	February 18, 1907
James Deere et al.,	February 19, 1907
Charley Kernell,	February 2, 1907
Millard Smith (freedman)	February 2, 1907
Lila Jefferson (freedman)	February 18, 1907
Bertha Anderson (freedman)	February 16, 1907
Katie Smith, deceased (freedman)	February 16, 1907
Lucy Grayson, deceased,	February 2, 1907
Bullison Raynie	February 23, 1907
Leah Thompson, deceased,	February 23, 1907
Nellie Graham (freedman)	February 23, 1907
Malechee (or Nellie Ned,)	February 20, 1907
William Bennett, (freedman)	February 23, 1907
George W. Bird, deceased,	February 19, 1907
	February 2, 1907

Joseph H. Wheeler, deceased,  
 William Cullen Bryant,  
 William and Anna, deceased,  
 Richard Hartline, (President)  
 Wiley Steele, deceased,  
 Emma Richards, deceased, (President)  
 William Emanuel, alias Wm. McElroy, (President)

February 22, 1907.  
 February 23, 1907.  
 February 25, 1907.  
 February 24, 1907.  
 February 25, 1907.  
 February 26, 1907.  
 February 14, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian office.

Respectfully,

E.A. Hitchcock,

Secretary.

35 inc. and 70  
 Ind. of. with  
 copy hereof.

Gr. No. 802.

Muskogee, Indian Territory, March 28, 1907.

R. P. DeGraffenried,

Attorney for Annie Davis, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Annie Davis, et al., as Creek Freedmen.

Respectfully,

Commissioner.

LM

Gr. No. 606.

McAlester, Indian Territory, March 13, 1907.

Annie Davis,

Fullahawee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of yourself and minor children, Henrietta Shaw, Amanda Wells, Della Wilson, Jannie Wilson, Lissie Ann Wilson, Nettie Wilson, Lissie Shaw, Rosetta Perry and Ezra Shaw, as Creek Freedmen.

Respectfully,

Commissioner.

LM



24 25 26

27 28 29

No. 404.

~~CONFIDENTIAL~~  
WASH., D. C., December 14, 1946.

In the matter of the indictment of Roger Villier as a citizen of  
land of the Green Nation.

John Dixon, being duly sworn, testifies as follows:  
Through Alon Pacey Official Interpreter

Q BY THE COURT: What is your name? A Roger Pacey.  
Q Now who are you? A Alon Pacey, Interpreter.  
Q What is your post office address? A I have no post office address.  
Q Are you a citizen of the Green Nation? A Yes, sir.  
Q To what town do you belong? A I belong to the town of  
Did you know Roger Villier? A Yes, sir, I was well acquainted with  
him.  
Q Do you know when he died? A I have forgotten when he died. I  
have forgotten the year in which he died. He died shortly after  
Christmas, before the influenza epidemic but did not die of the influ-  
enza. He died of pneumonia.  
Q Do you remember the circumstances of the opening of the Green land  
office? A Yes, sir. The land office opened in April.  
Q Did Roger Villier die before or after the opening of the Green  
land office? A He died before the office opened.  
Q Are you positive? A Yes, sir, I am positive. He died shortly  
after Christmas before people began filing. His correct name was  
Roger.  
Q To what town did he belong? A Hutchinson--Tom Adams' town.  
Q Who were his parents? A Villier and Betty.  
Q Was Betty also known as Betty Moore? A She was called Betty  
Moore. Roger Villier died before any of my children died. (Witness  
lost his family during influenza epidemic of 1918)

-----

I, D. G. Shager, on oath state that the above and foregoing is a  
full and true transcript of my stenographic notes as taken in said  
case on said date.

Subscribed and sworn to before me this 14th day of Decem-  
ber, 1946.  
*[Signature]*  
Notary Public.

INVESTIGATION OF THE DEATH OF  
Bayer Miller, Creek by  
Blood, Roll No. 2222.

DECEASED

In the matter of the enrollment of Bayer Miller, Creek by  
Blood, Roll No. 2222.

APPEARANCES: Frank A. Bradley, attorney for the heirs of  
Bayer Miller, deceased.  
H. E. Holt, attorney for the Creek Nation.

Examination on behalf of the Commissioner  
conducted by W. H. Russell.

Charles H. Drew, official interpreter.

Penny Mitchell, nee Miller, being called as a witness and  
sworn by A. C. Hamilton, Deputy Clerk, U. S. Court, Eastern District  
of Oklahoma, testified as follows:

By Mr. Russell:

Q Your name is Penny Mitchell? A Yes sir.  
Q Are you married now? A Yes sir.  
Q What is your husband's name? A Willie Mitchell.  
Q What was your name before you married Willie Mitchell?  
A Penny Miller.  
Q What relation are you to Bayer Miller who is now dead? A He  
was my brother.  
Q Were father and same mother? A Yes sir.  
Q How old are you? A Thirty years old.  
Q Were you older or younger than your brother Bayer? A I am  
older than my brother.  
Q How long had he been dead? A I don't know.  
Q Were you with him when he died? A Yes sir.  
Q Where did he die? A He died at home.  
Q At home? A Yes sir.  
Q Where was that? A Sand creek.  
Q Do you know what disease he had when he died? A He had a fever.  
Q Do you know what year he died in? A No sir.  
Q About what year? (No answer)  
Q Do you know what time of the year he died? A (By Interpreter)  
She says she don't know the name of the months in English, but  
the name of the month would be April in English.  
Q What did you call that part of the country there where he died?  
A Sand creek.  
Q Did he die before or after or during that smallpox epidemic that  
you had down there? A The smallpox was just commencing then  
when he died.

Don Miller

[illegible]

1980

Q Was it in the spring, summer, fall or winter that this party died?  
A I think it was the spring of the year because corn was about  
eight inches high.  
Q The smallpox epidemic that you refer to was the same epidemic in  
which the Flatheads all died was it not? A Yes sir.  
Q You have sworn that your brother died in April have you not?  
A Yes sir.  
Q Well that smallpox epidemic in which the Flatheads died was in the  
winter and spring of 1886 and 1887 was it not? A I think it was.  
Q Aren't you sure that that epidemic occurred during the spring and  
winter of 1886 and after 1886? A Yes sir.  
Q You are a Creek citizen are you not? A Yes sir.  
Q This brother that died claimed to be a member of the Creek tribe?  
A Yes sir.

By Mr. Angelo:

Q Do you know the year in which Soper Willier died? A No sir.  
Q Do you know how many years ago it was? A I don't know.  
Q When did Lena Willier die? A She died with the smallpox.  
Q When did she die? A I can't place the date at all.  
Q Was she taken to a pest house? A Yes sir.  
Q Where was the pest house located? A It was near the house of  
Q Charley Coker on the North Fork Canadian.  
Q Was it near a place called Creek? A It was west of Creek.  
Q Do you know when they burned that pest house down? A Yes sir.  
Q Did your sister Lena die before or after that house was burned?  
Q She was dead at the time they burned the house up.  
Q How long had she been dead when the house was burned?  
A About two days after her death.

Witness excused.

Jackson Knight being called as a witness and sworn by A.G.  
McMillan, testified as follows:  
By Mr. Beach:

By Mr. Beach:

Q Where do you live? A Near Okemah.  
Q How old are you? A I am past sixty years old.  
Q Are you a Creek Indian by blood? A Yes sir.  
Q How long have you lived down in that country where you live now?  
A About three years.  
Q Where did you live before that? A I lived near Creek before I  
moved up to Okemah.  
Q How far is Creek from Okemah? A It's about twelve miles.

- Q Did you know Seper Willier during his lifetime? A Yes sir.  
Q Do you remember when he died? A I believe I do.  
Q Do you know where he died? A Near Okemah, on the North Fork Canadian river.  
Q When did Seper Willier die? A I remember the month but I don't know the year.  
Q In what month did he die? A It was in the month of April.  
Q Do you remember that smallpox epidemic that you had down in that country several years ago? A Yes sir.  
Q Do you know the years in which they had that smallpox epidemic down there? A I think it has been over seven years since they had the smallpox.  
Q Seven? A Seven years.  
Q How many epidemics of smallpox did you have down there?  
A Just once.  
Q What time of the year did the smallpox begin? A I think it started in December.  
Q How many months did the smallpox last? A About four months.  
Q Did Seper Willier die before or after the smallpox or during the smallpox? A He died after the smallpox epidemic.

By Mr. Mott:

- Q Which died first, Lena or Seper? A Lena died first.  
Q How long before Seper did Lena die? A About three weeks after the death of Lena.  
Q Did Lena die in the beginning of the smallpox epidemic or about the close of it? A About the close of the smallpox.  
Q Lena did? A Yes sir.  
Q Were you ever examined in this case or in Lena's case before this?  
A No sir.  
Q Did you lose any relatives in that smallpox epidemic? A Yes, I lost my child.  
Q What month did it die in? A She died in May after the smallpox; the month of May.  
Q When did the smallpox epidemic close? When was it over?  
A About the first of May.  
Q Were you there when Seper died? A No, I wasn't there at the time of his death.  
Q Did you help bury him? A Yes, I was at the funeral.  
Q What month was the funeral? A About the last of April.  
Q What month was Lena's funeral? A I wasn't at the funeral, and I don't know what month she died.  
Q You don't know what month Lena died in? A No.  
Q How many days in a month? A I only know it was in the month of April and I don't know the date.  
Q I asked you how many days there were in a month? A I don't know.  
Q How many weeks in a month? A Four weeks.  
Q Well you have stated that Seper died the last week in April; you have stated that Lena died three weeks before Seper; you have further stated that you don't know what month Lena died in; how do you reconcile that? A The only date that I know of is the weeks and I don't know the number of days in the month, and Seper died the last of the month and Lena died about the first week in April.



Super Willer 000000000000

Q Do you know where the old post house was? A Yes sir.  
Q Was that burned? A Yes sir.  
Q Did Emma die before it was burned or after? A She died before  
they burned the house up.  
Q Did Super die before or after it was burned up? A I think he  
died before they burned the post house up.  
Q Were you asked to testify in this case when they were taking  
testimony before, on bench or jury? A No sir.  
Q When were you first approached and asked about if you remembered  
when Super died? A About a week ago.  
Q That's the first time anything has been said to you about when  
Super died, as to your knowledge about when Super died? A Yes  
sir.  
Q Did you know the Finagus who died of smallpox? A Yes sir.  
Q How many of Finagus's family died, do you know? A I think it  
was about ten children, he had so many I couldn't account for  
them.  
Q They died of smallpox didn't they? A Yes sir.  
Q Do you know what month they died in? A Some time about latter  
part of April.  
Q Who died first, Super or the Finagus children? A The children  
of Moses Finagus died first.  
Q Who died first, Emma or the Finagus children? A The children  
of Moses Finagus died first.  
Q And you say the Finagus children died the last of April?  
A I said about the first of April when the children of Moses  
Finagus died.

By Mr. Angell:

Q Are you Tom King of any Creek Indian town? A Yes sir, I am  
Tom King of Arbuck.  
Q Did you have anything to do with the burning of the post house  
out near Arbuck? A No sir.  
Q Isn't it a matter of fact that that post house was burned along  
about April 1st, 1897? A I think it was about the latter part  
of April when they burned the house up.  
Q Did Emma die before or after the burning of that post house?  
A She died before the burning of the post house.  
Q If any affidavits on file in this office show that Emma Willer  
died in April 1896, is that true? A I think the month is right,  
but I can't swear to the year because I don't know the date of  
the year.  
Q Did your child die with the smallpox? A Yes sir.  
Q Did she die in the post house? A Yes sir.  
Q You stated, if I recollect right, that your child died in May;  
is that correct? A Yes sir.  
Q The post house was burned long before the month of May wasn't it?  
A I can't swear whether it was in May or last of April when they  
burned the post house up.  
Q Wasn't there a United States officer of some kind gone over from  
old Oklahoma and looked after those smallpox cases? A There  
was some officers there but I don't know where they came from.  
Q Didn't that officer supervise the destruction of that post house?  
A I think so.  
Q Well, isn't it a matter of fact that that post house was burned  
about April 1st, 1897? A I think it was about the first of May.

Witness excused.

**00000000000000000000000000000000**

Hamilton, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612,

Dr. H. H. H. H.

Q Now how long before his death did you see him? A I saw him in  
February, when I saw him.  
Q When did you learn of his death? A About the first of May I  
learned of his death.  
Q Did she tell you when he died? A His mother,  
when he died, was supposed to be about a month of the year, but said he died  
not long ago, about fifteen days ago, she says he died.  
Q So that you can talk with these people? A Yes sir,  
you could speak with them at that time could you? A All my life.  
Q Were you in that part of the country during that epidemic?  
Q Some that they had down there? A I was living there just east  
of there at that time.  
Q When did that epidemic of smallpox begin? A It was about in  
December I think.  
Q Of what year? A 1899.  
Q How long did it last? A It lasted up until May I suppose. May  
when they come home.  
Q Of what year? A 1899.  
Q Did he come home? A When Little came home and Neous and his folks.  
Q Where had they been? A In that camp.  
Q Quarantine camp? A Quarantine camp, yes sir.

By Mr. Hill:

Q You know nothing in the world then about when this party died except what his mother told you? A What his mother told me, yes sir.

Q Do you know when the post house was burned? A No sir, I don't know.

Q Did this man die in the post house? A I didn't ask them exactly where he died.



Super William Cunningham

Q Were you a witness in this case or Lena's case before, when  
1001199 was taken by the Commission? A Here before?  
Q Yes sir.  
Q When were you first asked about this and asked as to when this  
part died? A Didn't know anything about it until right lately  
was asked.  
Q When? Last month or week or when? A I couldn't tell just what  
time it was.  
Q This year? A It was in this year I was asked about it.  
Q This year? A This year.  
Q And it has been ten years ago since this man's mother told you?  
Q Yes sir, ten years ago.  
Q And you say it was in the first of May? A First of May, yes sir.  
Q There was it? A Over there at home, when she come there I was  
home.  
Q That makes you recollect it was the first of May? A I was well  
acquainted with the folks and when they came there they asked my  
wife for garden seed and some corn, and they didn't have no  
vegetables at all.  
Q Did they come to your house often? A Yes sir, they always did  
come there, well acquainted with them.  
Q Frequently? A Yes sir.  
Q And for years before and since then? A Yes sir, I lived right  
there at them all the time.  
Q Did they ever ask for garden seed before? A No sir, always had  
plenty, but at that time they didn't have nothing.  
Q How far away from them did you live? A I lived six miles east  
of where they was---living now.  
Q You lived six miles east when he died? A Yes sir, six miles  
east when that boy died.  
Q Did you ever talk with anybody at all about the mother having  
told you in May, 1899, that this boy had died, until you talked  
about it this year? A Never was any question about it; didn't  
know any question at all until this year.  
Q Never was mentioned to you? A Never mentioned to me until this  
year.  
Q You know she came to your house the first of May? A Yes sir.  
Q When did she next come? A She came there often from that on.  
Q What month did she come in following that? A She came next  
month, it was in June.  
Q And what did she come for then? A Came to get something to eat;  
didn't have nothing.  
Q What was the next month she came in? A I didn't keep track of  
the months.  
Q Just kept track of the month of May and June? A She came there  
and I know we was scared of taking smallpox.  
Q Those are the only two months you kept track of? A Yes sir, for  
after that the danger was over.  
Q Do you know anything about the pest house? A Don't know any-  
thing about it.  
Q Know when it was burned? A No sir.  
Q Know anything about when the Fixicos died from the smallpox?  
A I heard, but I couldn't tell just when.  
Q Did you hear of it at the time? A Yes sir.  
Q Well, did the mother tell you this before you heard of the  
Fixicos' deaths or after? A I heard of the Fixico deaths first.

Witness excused.



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Notary Public for the State of New York

*Edward C. Harris*

Subscribed and sworn to before me this 20th day of May, 1910.

*Edward C. Harris*  
Notary Public.



DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
Muskogee, Oklahoma, July 8, 1918.

In the matter of the enrollment and allotment of Soper Willier, whose name appears upon the approved roll of Creek citizens at No. 8648.

APPEARANCES:

Reach & Bradley, attorneys for the heirs of Soper Willier,  
Decessed ----- by E. J. Reach.

Charles F. Bliss, Supervising District Agent, on behalf of  
the Commissioner to the Five Civilized Tribes.

Jesse McDermott, Assistant Chief, on behalf of the Creek Nation.

Proceedings had at Okemah, Oklahoma, on July 8th, 1918.

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ROGUE FIXICO, being first duly sworn by C. F. Bliss, Deputy  
Clerk, United States Court, Eastern District of Oklahoma, Testi-  
fied as follows, through Jesse McDermott, Official Interpreter.

By Mr. Bliss:

Q What is your name? A Rogue Fixico.  
Q How old are you, Mr. Fixico? A I am told that I am 78 years old.  
Q What is your postoffice address? A Schoolton, Oklahoma.  
Q Are you a citizen of the Creek Nation? A Yes.  
Q Full-blood? A Yes.  
Q Did you ever know a person by the name of Soper Willier? A Yes,  
I know him.  
Q Was he a Creek Indian? A Yes.  
Q Full-blood? A Yes.  
Q Is he living or dead? A Dead.  
Q Can you give me the date of his death? A Do you want to know the  
month?  
Q The date, month and year? A I don't know the exact date.  
Q Do you know the year? A Yes, I do.  
Q Can you give me the year in which Soper Willier died? A From  
what I have been told, it was in the year 1899.  
Q What month in the year 1899? A Sometime in February.  
Q How do you fix the time of Soper Willier's death as being in the  
month of February? A I only remember the date; I don't know the  
exact date of the month.  
Q Now, I want to know how you fix the date as being in February?  
A I know it was in February.  
Q How do you fix the year as being 1899? A It was the same year  
following the land office opening, and it was in April of that  
same year the land office opened.

Soper Willier-----8.

- Q You remember definitely, is you, the occasion of the opening of the Greek Land Office? A Yes, I knew it was in 1899.
- Q How old was Soper Willier at the time of his death? A I don't know as to that.
- Q Was he a small boy, or pretty well grown? A He was pretty well grown.
- Q Did you know him well? A I was personally acquainted with him.
- Q Did Soper Willier have any brothers and sisters? A Yes.
- Q Can you give me their names? A I think so.
- Q Give them, please? A One is Peggy; one is Lena; they are the only two children.
- Q Were you acquainted with them? A Yes.
- Q Where did Soper Willier die? A He died in the neighborhood of the old Mtn Martha settlement up on the hill near there.
- Q Is that in what is now known as Chatham County? A Yes.
- Q How far did you live from the home of Soper Willier? A Probably four miles; maybe not so far.
- Q Did you see Soper Willier and the different members of his family frequently during his life-time? A Yes, I saw them.
- Q Was any member of your family born or did any member of your family die about the time of Soper Willier's death? A There was one who died.
- Q What member of your family died just about the time of the death of Soper Willier? A There was two died; one was Wacky and one was Nellie and their mother; there were three.
- Q What was the mother's name? A M-I-S-S-E-S-S-Y.
- Q Did these persons you have named die before or after Soper Willier died? A I think they died when he died.
- Q Were these persons you mentioned enrolled? A Yes, they were enrolled.
- Q Which one of the members of your family you mentioned as having died about the time of the death of Soper Willier died first? A Wacky died first and the mother died next and the third was Nellie.
- Q In what year did Wacky die? A He died in February, I don't remember just what year.
- Q Did his death occur in the same year that Soper Willier's death occurred? A Yes.
- Q What month in the year did his death occur? A He died in Febr'y.
- Q How many days intervened between the death of Soper Willier and the death of your child, Wacky? A They died long about the latter part of February. I don't know just how many days intervened, but they died the same month.
- Q What caused the death of Wacky? A He died with smallpox.
- Q What caused the death of Soper Willier? A Ordinary sickness.
- Q Soper Willier then didn't die of smallpox? A I am not positive about that; he may have died from smallpox.
- Q Do you remember the occasion of the burning of a post house in the Greek Nation? A Yes.
- Q When was the burning of that post house with reference to the date of the death of Soper Willier? A The post house was burned after Soper died.
- Q Was the post house burned after your child, Wacky, died? A They were getting ready to discharge them over there at the camp when the burning took place. The post house was burned the same day we left.
- Q Was your child, Wacky, in the post house during his illness? A No we were lying in this side of Selcy at the time the post house was burned.
- Q How far from the post house? A About three miles away to the place where we moved to after the post house was burned.

Soper Willier-----8.

- Q And you say the post house was burned just about the time of the death of Washy? A The post house was burned after the baby died.
- Q How long after your child, Washy, died until his mother died?
- Q They died the same day.
- Q Did smallpox cause the death of your wife, the mother of Washy?
- Q Yes, she died of smallpox. They all had smallpox.
- Q When did Nellie die in reference to the time of the death of Washy? A They all three died the same day.
- Q Have you any record, any written record, of the death of these members of your family, Washy, the mother and Nellie? A No.
- By Mr. Reach:
- Q Now, what was Soper's sister's name? A The sister who is dead?
- Q Yes? A Lena.
- Q Was Lena older or younger than Soper? A She was a whole lot younger.
- Q Do you remember Lena's death? A Yes, I knew the time of her death.
- Q How far from the home of Lena were you living at the time of Lena's death? A We were all living together at the time she died with the smallpox.
- Q Who died first, Soper or Lena? A Soper.
- Q How long had Soper been dead when Lena died? A I think Lena died long about the last of March.
- Q In the same year? A Yes.
- Q Who was Soper's father? A Willier.
- Q Is he living or dead? A I guess he is living.
- Q He is a Seminole? A Yes.
- Q Who was Peter Deere? A I suppose you have reference to Betty Deere
- Q Did you know a Peter Deere? A Yes.
- Q Was Peter Deere Betty Deere's husband? A Yes.
- Q Now, do you remember when Peter died? A I remember the occasion of his death, but I don't remember just when it was, but it was after we had come to our house.
- Q After the smallpox epidemic? A Yes.
- Q How do you know that those deaths occurred in the year 1899? A That is what I have been told.
- Q Now did you know that the death of Soper was in the month of February? A I think that was about the time. I knew the difference between the Spring and Winter, such as January and February.
- Q And do you know that Soper died in the Winter when the weather was cold? A Yes, there was snow on the ground.
- Q But as far as the year 1899 is concerned, you just knew what you have been told? A Yes, that was what I was told.
- Q Can you say from your own memory or from your own knowledge that Soper died 18 years ago this last Spring? A I suppose so. I can be positive that it is 18 years since they began filling on land.
- Q Do you know what year and what month the smallpox began in? A The smallpox started up on Hillabee Creek, and it broke out in up there in January.
- Q Of what year? A The year that was 18 years ago.
- Q How soon after the smallpox broke out did Soper die? A Just about a month or a little over.
- Q How much over? A It may have been just a month; it was sometime in February.
- Q Did you know as soon as the people got sick up there that it was the smallpox? A No we didn't know.
- Q You say the smallpox broke out up on Hillabee Creek? A Yes.

Soper Willier-----4.

- Q How far was that from your home? A About nine miles.
- Q How long was it until the smallpox got down to your house? A I had a brother, a younger brother, living up on Killabee Creek whose boy was sick, so I was informed, and when I was going up there Washy went with me, and when we arrived at the house we found that the boy was improved, and I continued my journey on to my daughters, who was living up there, and on my way back I stopped at my brother's again, and I suppose it was at that time my boy, Washy, took the smallpox. After my return home I went on down to Cedar Creek, and upon my return from there Mrs. Davis met me and told me that my boy was stricken with the bad disease, which I found to be true when I arrived home.
- Q How long was your boy, Washy, sick? A I don't remember just how long he was sick, because he was sick when I arrived home.
- Q How long was it from the time he was taken sick until he died? A It may have been a week, but I don't know positively, because I was down below when he was stricken.
- Q Now, Neous, you said from what you had been told you thought these deaths occurred in the year 1899, who told you that Soper Willier died in that year? A That was the general information.
- Q The Land Office that you spoke about, where was that opened? A At Okmulgee, I suppose.
- Q Well, you say you have been told that the death of Soper Willier occurred the same year that the land office was opened, now what land office do you mean? A I told you that he died in the month of February of the same year the land office opened, and I am unable to give you any further information.
- Q Well, do you know of your own knowledge that he died in the month of February of the same year that the land office opened, or is that what you have been told? A As I swore that I would tell what I know, and that is why I am saying he died in 1899. Isn't it a fact that the land office opened in 1899? If I am mistaken, I would like to be informed just when it was opened.
- Q If he is asking me the question, I will ask him what land office he is talking about? A The one at Okmulgee.
- Q Well, now Neous, isn't it pretty hard for a man as old as you are, who can't read and write, to go back 18 years and remember what month and year these people died? A Yes, it is.
- Q Are you sure that you are testifying what you really remember, or isn't possible that you are testifying what somebody has told you? A No, I am testifying to just what I know.

By Mr. Allen:

- Q Neous, was the opening of the land office an event that was important, or considered important by the Creek Indians? A Yes.
- Q Do you remember distinctly when that land office was opened? A Yes, I suppose so.
- Q Did people begin to file before or after the land office was opened? A They couldn't very well file on land unless the land office had been opened.
- Q And you remember distinctly, do you, Neous, that Soper Willier died before the land office opened? A Yes, I think that he died before the land office opened.
- Q And that he died in the month of February? A Yes, so I have testified.

By Mr. Beach:

- Q In what month was the land office opened? A I was told it was



Soper Willier-----5.

- opened the 1st day of April.
- Q Do you know of your own knowledge, or is that just what you have been told? A It was reported that that was when it would open.
- Q Means, was it the custom at the time Soper died to have funerals? A No, there wasn't hardly anybody preached and prayed, and things like that at that time.
- Q The family of the dead person just took the body out and buried it, did they? A Yes, I suppose so.
- Q Do you know where Soper Willier is buried? A No, I don't know.
- Q Did you ever see his grave? A There is a grave right close to the house I spoke of a while ago, I suppose he is buried in that.
- Witness excused.

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Betty Deere, being first duly sworn, testified as follows through interpreter, Jennie McDermott:

By Mr. Roach:

- Q What is your name? A Betty Deere.
- Q Where do you live, Betty? A I live this side of Boley.
- Q How old are you? A At the time the Loyal Creek payment was going on I was told that I was forty. I suppose I am fifty now.
- Q Are you the mother of Soper Willier? A Yes.
- Q Is Soper Willier living or dead? A Dead.
- Q Can you remember how many years he has been dead? A No sir, I don't know. I never can recollect it.
- Q What time of the year did he die, Spring, Summer, Fall or Winter? A He died in the Winter time.
- Q Can you give the year of his death? A It may be over ten years, I don't know.
- Q Where were you living when Soper died? A I was living across the river, over there at old Arbana.
- Q Were you living at a place called Sand Creek? A Not very far from the mouth of Sand Creek.
- Q Do you remember the smallpox epidemic the people had down there in that country when you were living there? A Yes, I remember it.
- Q Did Soper die with the smallpox? A No, he took sick and died.
- Q Did Soper die before or after the smallpox epidemic? A Just about the time the smallpox epidemic began.
- Q About the time it began? A Yes. It was about the time it broke out up on Killabee Creek.
- Q Do you know Wilson Knight? A Yes.
- Q Is he dead? A Yes.
- Q Was he a full-blood Indian? A Yes.
- Q Was he a friend of yours during his lifetime? A Yes, we lived in the immediate neighborhood.
- Q Was he living up there in your neighborhood at that time Soper died? A Yes.
- Q Do you remember Wilson Knight's child, George or Georgie? A Yes.
- Q Was that a boy or girl? A A boy.
- Q Do you remember when George died? A No, I don't remember just when he died, but it was probably two years before they began piling on land.
- Q Were you present when George died? A Yes, I was holding him when he died.
- Q Did George die before or after your boy, Soper, died? A George



Saper Willier-----6.

- Q Had been dead about two years before Saper died.  
Q Do you remember whether the garden was growing and the corn up when Saper died? A It was almost spring, but they had not yet planted anything.  
Q Was there snow on the ground? A No.  
Q You would not attempt to give the year of Saper's death, would you?  
A I am unable to give that.  
Q Do you remember when the town of Okemah was opened--- when they started a town here? A No, I don't remember when they started a town here. I never paid any attention to that.

By Mr. Bliss:

- Q Betty, where was Saper buried? A He was buried at the place I referred to as having lived at the time the smallpox broke out.  
Q Is there a tombstone at his grave? A No.  
Q Didn't anyone who can write make any record at the time of his death, showing the date of his death? A I think not.  
Q Now, you mentioned an epidemic of smallpox, when did that epidemic begin, did it begin in the fall or early winter? A I don't know just when it did begin. The only recollection I have is that Neos Pixie's child had been stricken and one died.  
Q While the smallpox were raging, were people filing on land? A I don't remember as to what.  
Q Do you remember when the land office opened at Okmulgee for filing?  
A Yes, I remember that.  
Q Did this smallpox epidemic begin before or after the land office opened? A With it must have been before, but since I didn't pay much attention to the matter I can't say positively.  
Q Do you know the different months of the year? A I think so, in the Indian names.  
Q Which month is first? A (No answer)  
Q Is January the first month in the year? A The next month after the month in which Inas comes is known as winter's younger brother, and in English it is known as January.  
Q How long after Inas was it, Betty, until your boy, Saper, died?  
A It was after Inas, but I can't say just how many months it was.  
Witness excused.

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Peggy Mitchell, being first duly sworn, testified as follows:

By Mr. Reach:

- Q What is your name? A Peggy Mitchell.  
Q Was Saper Willier, who is now dead, your brother? A Yes.  
Q You testified at Muskogee over two years ago, didn't you, with reference to the date of the death of Saper? A Yes, at Muskogee I did.  
Q Can you read and write in English? A No.  
Q Do you understand figuring the years and months in English? A No.

Soper Willipy-----7.

- Q Can you give the year in which Soper died? A No sir, I am not able to do that.
- Q Can you tell about how many years ago it has been? A Right close to 18.
- Q But you wouldn't be sure whether it was 18 or 14, would you? A No sir.
- Q Now, do you remember the smallpox epidemic over on Sand Creek? A Yes, I remember it.
- Q Did Soper die before or after that smallpox epidemic? A The smallpox were raging at Hillabee at the time Soper died.
- Q Can you give the month in which Soper died? A Let me study a minute----- I believe it was April.
- Q Now, Emma Lena was your sister and she was also Soper's sister? A Yes.
- Q And who died about the same time? A Close to a week a part.
- Q Which died first? A Soper first and Lena next.
- Q A week a part? A Yes.
- Q Do you remember whether the corn was up growing when Soper died? A No sir.
- Q Do you remember when they opened the land office? A No sir.
- Q Do you remember when they opened the office to enroll you? A I remember, but I don't know how long it has been.
- Q Where was the office? A At Councils.
- Q Was that in the same year they had the smallpox, do you remember? A I don't remember.
- Q Do you remember whether your brother, Soper, and your sister, Lena, were dead when the land office opened? A When I went to Councils to file, Soper and Lena were dead.
- Q But you don't know how long they had been dead? A No sir.
- Q Do you remember the time of the year you went to Councils? A No.
- By Mr. Bliss:
- Q About how long was it after Emma was it until Soper died? A Soper died Newyears. I know Monday is what we call old Emma, and he went away and come back home and was taken sick and died eleven days after he was taken sick. He was in bed eleven days.
- Q Were you married at that time? A Yes.
- Q Did you have any children? A Yes.
- Q Did any of your children die about the same time? A Yes, I lost my baby about the same time.
- Q What was the name of that baby? A Emma.
- Q How old was the baby when she died? A Seven months old.
- Q How long was it after Soper died until she died? A Just a week's difference. My sister died and in two or three days my baby died.
- Q Is your baby enrolled? A No sir.
- Q You didn't file for it? A No sir.
- Q Did you make any application for her? A Yes, but they wouldn't have it.
- Q Where did you make the application? A In Councils.
- Q And when you attempted to make the application, what were you told? A I told them when it was born and everything and they said it was born too late.
- Q Didn't say anything about the death? A No sir.
- Q Was there been more than one bad epidemic of smallpox in the Creek Nation that you know of? A I don't know as to that, but I remember this particular one.
- Q During this time was there a post house burned? A Yes, the day we left the camp the post house was burned.

Soper Willier-----8.

Q That was how long after Soper died and your little baby died? A About a month.

By Mr. Reach:

Q You couldn't give the year they had the smallpox out there, could you? A No sir.

Q What is the name of your husband? A Anderson Finice.

Q Is he living or dead? A Dead.

Q When did he die? A At the same time they had the smallpox.

Q At the time your baby and sister and Soper died? A Yes sir.

Q Did he get an allotment? A Yes.

Q In the Creek Nation? A Yes.

By Mr. Bliss:

Q Who made application to enroll him? A I don't know.

Q Don't you know who made application to file for him? A No.

Q Did you get the benefit of his allotment? A I got 52 acres out of his estate.

Q Have you sold that land? A Yes.

Q Who got the rest of the land? A I don't know anything about the rest of it. I couldn't tell you the particulars.

Q You didn't make application for the allotment yourself? A No.

Witness Imposed.

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Fare Johnson, being first duly sworn, testified as follows:

By Mr. Reach:

Q What is your name? A Fare Johnson.

Q Where do you live? A I live about three miles West of Castle.

Q How old are you? A I don't know.

Q About how old? A I don't know.

Q How long have you lived in this country? A I was born and raised in this country.

Q Are you a Creek freedman? A Yes sir.

Q Did you know Soper Willier during his life time? A Yes sir.

Q Were you living near him when you knew him? A I was living just about a mile East of where he was living and a mile North.

Q Where was that? A At the place where I am living now.

Q Did you know Soper's father and mother and the entire family? A Yes sir.

Q Do you remember when Soper died---- do you remember the circumstances of Soper's death? A Yes sir.

Q How big a boy was he at the time of his death? A Nearly grown.

Q Is or is or is? A I suppose he was about that.

Q Can you give me the year of his death? A Yes, I think I can.

Q What year? A In 1860.

Q What time of the year? A I couldn't give you the exact time of the year that he died in.

Seper Willior-----9.

- Q Was it in the Spring, Winter or Fall? A I think it was long in the Spring.
- Q How do you fix the year as being 1900? A Well, the way I got it fixed I had a child born in 1899, November the 20th.
- Q What is your child's name? A Nathan.
- Q And you remember that Seper died the following year? A Yes.
- Q Is that child living? A Yes sir.

By Mr. Bliss:

- Q How near did you live to where Seper Willior lived? A I moved there from the Seminole Nation in 1885.
- Q How many miles from where you lived to where Seper Willior died? A I don't know exactly, may be between three and four miles; something like that from his home place.
- Q Did you live near his home place? A Yes sir.
- Q How far? A About a mile north and a mile East.
- Q Were you acquainted with him? A Yes sir.
- Q Were you acquainted with the members of his family? A Yes sir.
- Q Had anyone filed when Seper died? A Yes sir; a whole lot of them.
- Q Can you name one? A All of my family.
- Q Before he died? A Yes sir.
- Q Name some of them? A Myself, my wife and about four children -- Polly, Emmet, Ada-----
- Q What caused the death of Seper? A Smallpox, I guess; he died in the same year the smallpox was raging in that country.
- Q Did he die the same year the pest house was burned? A Yes sir.
- Q What year was that? A In 1899, about the first of the fall and lasted until next Spring.
- Q The Fall of 1899? A Yes sir.
- Q That pest house was burned, you say, in the Spring of 1900? A Yes.
- Q Now, is there any way by which you can fix that date? A No sir; I don't know as there is.
- Q Had people begun to file when the pest house was burned? A They had begun to file before that.
- Q They were filing at the time the smallpox were raging down here? A Yes sir.
- Q Did any of your people have smallpox? A No sir.
- Q You said one of your children was born about a year before Seper Willior died? A Yes sir; in the fall.
- Q That child was named Nathan? A Yes sir.
- Q What time of the year was he born? A November 20th.
- Q What year? A 1899.
- Q How long was it after he was born until Seper Willior died? I couldn't say exactly how long.
- Q Well, was he born the same year Seper died? A No sir.
- Q The year before or the year after? A He died ---- I disremember it, it has been so long; and I never tried to keep any memorance of it, but I think he died in the Spring of 1900.
- Q You think Seper died in the Spring of 1900? A Yes sir.
- Q Are you positive that Seper didn't die the same year that your son, Nathan, was born? A Yes sir; I am positive of that.
- Q Was Seper dead when you filed? A I disremember---- you mean when I filed for myself?
- Q Yes? A He was living when I filed.
- Q He was? A Yes sir; I believe I had filed when he died.
- Q Are you sure you had? A I couldn't be positive on that pint.
- Q What time of the year did Seper die? A I couldn't tell you.

Seper Willier -----10.

- Q Did you attend his funeral? A No sir.
- Q Do you know where he is buried? A No sir.
- Q Do you know the church his people belong to? A They don't belong to any.
- Q Did you ever hear of a record that was made, showing the date of Seper's death? A No sir.
- Q Who was the mother of Nathan Johnson? A Hanna Johnson.
- Q Where was she at the time of the smallpox? A At home.
- Q Is she living now? A No sir.
- Q When did she die? A In 1908.
- Q Nathan is living? A Yes sir.
- Q Did you ever talk with Jesse McDermott, Assistant Creek Chief--- did he ever talk with you about this matter? A Yes sir; he come to see me a little over a month ago.
- Q What did you tell him with reference to the birth of your child, Nathan Johnson, and the death of Seper Willier? A I told him I didn't know exactly when Seper died. I couldn't remember exactly, but as near as I could remember he died 'long just about the time I stated here now. I told him I had a boy born 'long about that time, but for sure I couldn't say until I looked up the record on my boy.
- Q As a matter of fact, didn't you tell Jesse McDermott that your boy was born the same year that Seper Willier died? A Yes sir; I told him that, but I have found out since that it wasn't so.
- Q Did Seper die before or after the burning of the pest house? A Just before.
- Q How long? A I couldn't tell. I don't know whether it was a month, or three weeks or longer.
- Q How many pest houses have been burned in the Creek Nation? A Two that I know of.
- Q There was one burned just after, shortly after, Seper Willier died? A Yes sir.
- Q When was the other one burned? A It was burned before the last one was burned.
- Q In what year was the last pest house burned? A I can't explain. I couldn't tell you how long it has been.
- Q Was it before or after the land office opened? A It was after.
- Q You can't give the year? A No sir.

By Mr. Reach:

- Q How long ago did you have this conversation with Jesse McDermott? A It has been about a month ago, or a little better.
- Q Did you keep a record of your child's birth? A Yes sir.
- Q At the time you had that conversation, had you looked at that record recently? A No sir.
- Q Have you looked at it since? A Yes sir.
- Q And found that you were mistaken? A Yes sir.
- Q What you told him, then, over there was from your memory? A Yes.
- Q At the time you had this conversation with Jesse McDermott, had you looked at your book any time just before that? A No sir.
- Q It had been a good while? A Yes sir.

By Mr. Bliss:

- Q Have you that record showing the date of the birth of Nathan? A Yes sir.



Reper Willcox-----11.

Q Let me see it? A (By Mr. Elias) The record produced, and shows that Nathan Johnson was born November 20th, 1899.  
Q You haven't any record of the death of Seyer Willard? A No sir.  
Q How is it that you remember that Seyer Willard died after Nathan was born? A Well, I know he was living when Nathan was born.

Witness examined.

Amos Cobb, being first duly sworn, testified as follows:

27 Dec 1963

What is your name? A Anna Cobb.  
How old are you? A 58.  
Where do you live? A East of Deloy.  
How far is that from Church? A About 30 miles.  
How long have you lived there? A All my life.  
You are a Quaker, are you? A Yes sir.  
Did you meet your father during his life time? A Yes sir.  
Did you know his mother and father? A Yes sir.  
How far from Church was he when he was living? A 8 miles.  
How much did you see of him during your age and father's? A  
I was about a year older than he was.  
Did you grow up together? A Yes sir.  
Did you see him or him during his time? A Yes sir; right to-  
gether all the time.  
Do you remember the circumstances of his death? A Yes sir.  
What was he like? A An old man.  
What year? A 1860.  
How did you remember that year? A Well, because he died a year  
after that meeting. Besides his mother and my mother and Wilson  
thought that old man because they all went to Auburn to enroll  
and he was the first one.  
The church was in the town?  
How far from Church was he when he died? A I don't know.  
Did you see him when he died and enrolled him? A Yes sir.  
They all went to Auburn and enrolled him and left his children there.  
How long was he there? A A good long.  
How long was he there? A About a year.  
How long was he there? A Yes sir.  
How long was he there? A Yes sir.  
How long was he there? A Yes sir; the  
church was in the town.  
How long was he there? A Yes sir; the church was  
in the town.  
How long was he there? A Yes sir.

2000

Q Do you remember that sometime in 1941, I told you  
Q that the boys William Irving and that sometime broke out? A No sir,  
Q by name?  
Q And in the battery the machine sometime broke out? A No sir,  
Q that caused the death of Corporal William? A They claimed to find  
Q the boys.

Seper Willior-----12.

- Q Do you remember when the pest house was burned? A No sir; I don't remember the pest house.
- Q Do you know where the smallpox started? A First up there on Hillabee Creek.
- Q Where were you living then? A East of Hillabee.
- Q How far? A About nine miles.
- Q Were there any smallpox around where you were? A No sir.
- Q Where did they take the people that contracted the disease to take care of them? A They said they had a tent up there on the river.
- Q Did they have what was known as a pest house? A Yes sir; I suppose that's what it was; they told me it was a tent.
- Q Do you remember hearing anyone say that the pest house had been burned? A No sir.
- Q Did you say that Seper Willior died before that epidemic? A Yes.
- Q Who went to file at Wetumka? A They went to enroll.
- Q What year was that? A I don't know exactly what year that was.
- Q Who did you say went down there? A My mother and Seper Willior's mother and old man Franklin and Wilson Knight.
- Q Went over there to make application for enrollment? A Yes sir.
- Q And did you say Seper Willior's mother went? A Yes sir.
- Q And she went with your mother? A Yes sir; they all went together. They had two or three wagons.
- Q Did you talk with them after they came back? A Yes sir.
- Q What did they tell you? A Just said they made application for enrollment.
- Q How long after that did Seper live? A One year.
- Q And then died? A Yes sir.
- Q Who filed for you? A My ~~mother's~~ mother.
- Q When was that filing done? A About 1901, I guess.
- Q What time of the year was it that your mother and the mother of Seper Willior went to Wetumka? A 'long in the Winter.
- Q In the Winter? A Yes sir.
- Q And that was about a year before the death of Seper Willior? A Yes sir.
- Q Did any member of your family die with smallpox during that epidemic? A No sir.
- Q Do you know the date of the opening of the Creek Land Office for filing on land? A No, I doesn't.
- Q Had anyone filed when Seper Willior died? A I don't know.
- Q You don't know whether they had begun to file or not? A No sir.
- Q Do you know the date they began to file? A You say do I know the time?
- A Yes? A Yes, my mother rented the place what she filed on.
- Q Now when that place was rented, was Seper Willior living when your mother rented that place? A No sir.
- Q He died before that? A Yes sir.
- Q How long before? A A ~~year~~ year or a little more.
- Q After Seper died until your mother rented that place? A Yes sir.
- Q She rented the place in what year? A She rented that in 1901, I think.
- Q When did she file? A It must have been long in 1900; sometime long there. We had already filed once and they didn't file on the right land, and my mother went to Muskogee and they ~~was~~ changed the filing; that was in the Winter.
- Q Of what year? A 'long in 1900.
- Q Your mother had filed before that? A Yes sir; but she filed on the wrong land.
- Q Was Seper Willior living then? A No sir.
- Q He was dead? A Yes sir.

Soper Willier-----15.

- Q When did you go to Muskogee? A In 1900.  
Q What month? A I can't tell you when it was, but it was winter when we went to Muskogee.  
Q Soper was dead then? A Yes sir.  
Q How long had he been dead? A About a year.

Witness excused.

-----

Alice B. Davis, being first duly sworn, testified as follows:

By Mr. Rensch:

- Q What is your name? A Alice B. Davis.  
Q Are you sometimes known as Mrs. A. B. Davis? A Yes sir.  
Q Where do you live? A Nowhere.  
Q How old are you? A 39.  
Q Are you a Creek? A No I am a Seminole.  
Q How long have you lived in this part of the country? A All my life.  
Q Did you know Soper Willier in his lifetime? A Yes sir.  
Q Where did he live when you knew him? A He lived north of our old home, Arbucka.  
Q How far? A About four miles.  
Q Did you know his mother, Betty Deere? A Yes sir.  
Q Well? A Yes sir.  
Q Do you remember the circumstances of Soper's death? A No sir; I don't.  
Q Do you know when he died? A No sir; I don't only from the record that was given to me.  
Q Are you the person who was appointed administrator to file for Soper? A Yes sir.  
Q What record was given you for that purpose? A I have it here.  
Q The original record? A Yes sir; I wouldn't remember it, it has been so long ago.  
Q What does it show? A Shows that I was appointed administrator April 1, 1901.  
Q Does that record show the date of death? A Date of death, April 9, 1900.  
Q Who gave you that date? A I don't really know, but it was given to me by some of his people, but I don't know just who.  
Q Now, do you remember the smallpox epidemic they had about that time? A Yes sir.  
Q When did it begin, what month, what year and what day? A It began about the last of January, I think it was in January sometime, and continued through that year.  
Q January of what year, did it begin? A January, 1900.  
Q The latter part, you think? A Yes sir.  
Q And continued over until the next year? A Yes sir.  
Q The worst was in 1900? A Yes sir; it was in a mild form in 1900.  
Q Do you know of your own knowledge that Soper died during that smallpox epidemic? A No, I don't know.

By Mr. Allen:

- Q Do you remember when the post house was burned? A I remember about the time----- what post house.  
Q The post house that was burned during the last epidemic of smallpox that occurred in the Creek Nation.

Seper Willior----- 14.

- A It was burned about the last of April or the first of May.
- Q What year? A '99.
- Q In 1899? A Yes sir.
- Q Do you know whether or not Seper was living when that post house was burned? A I don't know.
- Q Who made application for the enrollment of Seper? A I think I did, myself.
- Q At the time of that application, did you present evidence as to the date of his death? A I think so.
- Q Was that evidence that you presented taken down by a representative of the Commission? A Yes sir.
- Q Who was present to give that evidence? A I think Nocus Fixico, but I am not positive about that.
- Q Did you have prepared at the time you made this application any affidavits of any kind? A I don't know. I know I didn't know what town he belonged to, and I had to get someone else.
- Q About the time you made application for his enrollment, did you talk with his mother, Betty Deere? A Yes sir.
- Q Did she make one of the affidavits? A I don't remember.
- Q Did you talk about that time with Wilson Knight? A I may have; he was always at my home.
- Q Do you remember whether or not he made an affidavit? A I do not.
- Q Do you remember whether or not you made an affidavit at that time? A I don't think I did.
- Q From your own knowledge could you state whether or not Seper Willior died after the first day of April, 1899? A I could not.
- Q Who petitioned for the appointment of yourself as administratrix of the estate of Seper Willior? A I don't remember, but it was someone of the family. I know I didn't take it up myself.
- Q Who selected his allotment? A I did.
- Q Since the selection of the allotment who has had control of it? A I have not; I was discharged.
- Q Is Wilson Knight living or dead? A Dead.
- Q When did he die? A Let me see--- I couldn't give the date of his death, but he has been dead over a year.

Witness excused.

-----

H. G. Malot, being first duly sworn, testified as follows:

By Mr. Reach:

- Q What is your name? A H. G. Malot.
- Q Where do you live? A Okemah.
- Q How long have you lived here? A About seven years, since the town started.
- Q How long have you lived in the Creek Nation? A About 26 years.
- Q Are you a citizen? A No sir.
- Q Where did you come from to this country? A Pennsylvania.
- Q Where did you live before coming to Okemah? A Arbeka.
- Q Where is Arbeka? A West of here about 12 miles.
- Q Did you know Seper Willior during his life time? A Yes sir.
- Q Did he live near Arbeka? A Yes, about three miles from Arbeka.
- Q Did you know his family? A I did.
- Q Do you remember the smallpox epidemic they had up there? A Yes.
- Q Were you quarantined at that time? A Yes sir.
- Q What were you doing at that time? A Clerking in the store of Mrs. Davis.

Seper Willier----- 15.

- Q How long were you in quarantine? A 7 weeks.  
Q Can you give the month? A I think it was about the last of March.  
Q From then on for seven weeks? A Yes sir.  
Q What year was that? A 1899.  
Q That would put it up in May sometime? A Yes sir.  
Q Do you remember the time of Seper's death in connection with your quarantine there? A It happened after I was quarantined.  
Q Your recollection is that Seper Willier didn't die until after you got out of quarantine? A That is my recollection.  
Q When did the smallpox epidemic begin? A In the Spring of '99.  
Q And ran for how long? A Up until the fall of 1900.  
Q More than a year? A Yes sir.  
Q When was it most severe? A It was more severe in the first year.  
Q They quarantined you a while at the beginning? A Yes sir.  
Q Was that when most of the deaths occurred? A More then, but some occurred later.  
Q What time in the Spring to your best recollection did it reach Arbeka? A It reached Arbeka long in March.  
Q Had it run some place else earlier than that? A In the North part of the Creek Nation. It started in the Sac and Fox tribes.

By Mr. Bliss:

- Q Did they have during that epidemic a pest house? A Yes, about four of them.  
Q Where were they located? A One right out East of the Agency and one above Neiyaka between Hillabee, and one in Castle, and the last one they had was across the river between Arbeka and Keokuk Falls.  
Q Were any of those camps burned? A I think they were all burned.  
Q The last one I know was burned.  
Q When was the last one burned? A 'long in the Summer.  
Q Of what year? A 1899.  
Q That was the last one burned? A Yes.  
Q Which one of those detention camps was near where Seper Willier lived? A The last one that was burned.  
Q Was Seper Willier living when that was burned? A I think he was dead  
Q ~~living~~ at that time?  
Q How long had he been dead? A I think he died in April.  
Q What day in April? A I don't know.  
Q Did you attend the funeral? A I did not.  
Q What makes you think it was in April? A Well, that is my recollection.  
Q But you are not positive about that? A No, I am not.  
Q Could his death have occurred in February? A No sir.  
Q He was living later than February, 1899? A Yes sir.  
Q Did you see him later than that? A I couldn't say that I did.  
Q Did you see him in March, 1899? A He came over to the store in the Spring of 1899, I think.  
Q What caused his death? A I don't know.  
Q How long was he sick? A I don't know.  
Q Do you remember when the land office was opened for filing? A Well, I remember something about it.  
Q Did he die before or after the opening of the land office? A After  
Q How long after? A A year or so.  
Q Had people begun to file when Seper Willier died? I don't know about that.  
Q Do you know of any people who had filed their allotments before Seper Willier died? A No, I can't say that I do.  
Q What business were you engaged in at that time? Clerking in a store



Seper Willior ----- 16.

- Q Who were you working for? A Mrs. Davis.  
Q The same Mrs. Davis who just testified? A Yes sir.  
Q How long did you clear for her? A Sixteen years.  
Q Did she own the store during that entire time? A Yes sir; she and her husband.  
Q You had nothing to do with the enrollment and filing of Seper Willior? A No sir.  
Q How far was this store in which you worked from this camp in which smallpox patients were kept which was located near where Seper Willior lived? A How far was the store from that camp?  
Q Yes? A Between six and seven miles.  
Q Did you know any of the persons who helped take care of the patients confined in that camp? A No, I can't say that I did.  
Q Now, what physicians attended the patients in that camp? A There were no physicians there; they had trained nurses; they were sent down from the Sac and Fox Agency. The Sac and Fox Agent had charge of that work.  
Q And these nurses all came from that agency? A Yes sir.  
Q Do you have in mind the names of any of those nurses? A No, I don't believe I can recall any of their names.  
Q But they were sent down from the Sac and Fox Agency? A Yes sir.

Witness excused.

-----  
Mrs. Alice B. Davis, being recalled, testified as follows:

By Mr. Bliss:

- Q Mrs. Davis, do you have in mind a camp in which smallpox patients were kept that was located near the home of Seper Willior, do you remember such a camp? A Not right near Seper Willior's home.  
Q How far from there? A I think it was out Northeast.  
Q How many miles? A I think about six miles.  
Q What arrangements were made for taking care of the persons who had smallpox at that time? A There was a man come down from the Sac and Fox Agency.  
Q Did he have charge of the work? A No, sir; the Agent, the Sac and Fox Agent had charge of the work.

Witness excused.

-----  
Vester W. Rose, being first duly sworn, states that he reported the proceedings had in the above entitled case on the date therein mentioned, and that the above and foregoing is a true and correct transcript of his stenographic notes taken therein.

Subscribed and sworn to before me this 11th day of July, 1912.

R. P. Harrison,  
Clerk United States Court,  
Eastern District of Oklahoma.

By *W. M. Miller*  
Deputy.

20.

Application No.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**CREEK NATION.**

To the Clerk of the Land Office at Muskogee:

This is to certify that the name of Seper Willson 1869  
and the names of the following persons, whom he represents, to call.

NAMES.

Represented  
by Person  
First Named.

AGE.

Represented by A. B. Davis Administratrix

Dec. 17<sup>th</sup> 1901

No proof of death on file  
further than letters of administration  
W. H. A.

All appears on Creek Census Card of the Creek Nation, Field No. 2304  
of record in the office of the Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, May 28, A. D. 1901

Acting Chairman.

Letter to C. L. Long of Wevoka can probably  
give information as to date of burning of  
best house.  
See Sam Haynes. Interpreter in Dist Agts office  
Okmulgee

Wevoka + Okmulgee



BEFORE THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the Matter of the Enrollment  
of Soper Willior,

Creek by blood No. 6963.

Creek Enrollment case  
No. 603.

MOTION FOR RE-HEARING.

TO THE HONORABLE COMMISSIONER TO THE FIVE CIVILIZED TRIBES:

Come now Bettie Deere and Peggy Mitchell, nee Willior,  
by Roach & Bradley, their attorneys, and shew to the Honorable  
Commissioner as follows:

That they are the mother and half-sister respectively  
of Soper Willior, deceased, whose name appears opposite No.  
6963 on the roll of citizens by blood of the Creek Nation of  
Indians; that Soper Willior was, during the year 1901, duly  
enrolled as a citizen by blood of the Creek Nation, and that  
there was allotted to him or to his heirs, an allotment of  
land of 160 acres of said Creek Nation; that thereafter, in  
1904, the exact date being known to your petitioner, proceedings  
were instituted for the cancellation of the enrollment of the  
said Soper Willior on the alleged ground that he had died prior  
to April 1st, 1899 and was not, therefore, under the law  
governing enrollment of the Creek Nation, entitled to enroll-  
ment as a citizen and an allotment of lands. That this matter  
was pending before the Commissioner to the Five Civilized Tribes  
and before the Commissioner for several years, without any  
action thereon; that no formal hearing was ever had in said  
matter and that your Petitioners were never notified of any



hearing on said matter and were never given an opportunity to be heard on the same; but that on April 27th, 1909, a letter was addressed by the Honorable Commissioner to the Honorable Secretary of the Interior advising that the evidence of one Nokus Fixico had been procured, and that said evidence showed that said Saper Willior died before April 1st, 1899, and that said letter recommended that there be placed opposite the name of said Saper Willior on the approved roll of Creeks by blood, the notation: "died prior to April 1st, 1899; not entitled to allotment." That thereafter on September 27th, 1909, in accordance with departmental letter dated September 20, 1909, the said notation: "died prior to April 1st, 1899; not entitled to allotment", was placed upon said rolls opposite the name of the said Saper Willior.

These petitioners state that they are now and always have been in possession of evidence showing that the said Saper Willior died subsequent to April 1st, 1899 and that he was thereby, entitled to enrollment and allotment on the Creek Nation; that they have never been given an opportunity to produce this evidence xx at any hearing on this matter and that they now ask that this matter be re-opened for a re-hearing; that a date be set for said hearing and for the taking of any testimony that may be offered pertaining to date of the death of the said Saper Willior and to his right to enrollment and allotment.

(ENDORSED) Respectfully submitted this 16th day of April, 1910.  
Creek Enrollment Case  
No. 603.  
Before the Commissioner to  
the Five Civilized Tribes.  
In the matter of the Enrollment of  
Saper Willior, Creek by blood No. 6963.  
Motion for re-hearing.  
Filed April 16, 1910.

J. G. Wright,  
WHA

ROACH & BRADLEY,  
Muskegee, Okla.  
Attorneys for Bettie Deere and Peggy Mitchell, nee Willior.

(Signed) Roach & Bradley  
Attorneys for Bettie Deere and  
Peggy Mitchell, nee Willior.

(COPY)

Muskogee, Indian Territory, July 22, 1904.

Hon. H. A. Hitchcock,  
Secretary Interior,

My Dear Sir:-

In case of Seper (Sarpie) Willior Creek Roll No. 6963, please find affidavit of Nokus Fixico, in which he swears that said Willior died prior to April 1st, 1899. I will thank you to direct the re-opening of this case that I may have the opportunity of offering the testimony of Nokus Fixico and much more bearing on the same point. Deed No. 10287 in favor of Seper Willior has been executed, but not delivered.

Yours very truly,

(Signed) M. L. Mott  
National Attorney.

Copy

Muskogee, Indian Territory, July 22, 1904.

Nokus Fixico being duly sworn deposes and says that he was personally acquainted with Soper Willior (Sarpie) and that he died prior to April 1, 1899.

Witnesses: (Signed) W. H. Hains &  
Horn E. Waller

Nokus <sup>his</sup> Fixico  
mark

Subscribed and sworn to before me this 22 day of July, 1904.

(Seal)

My Commission  
expires January 19<sup>th</sup> 1908

(Signed) W<sup>m</sup> J. Martin Jr.

Notary Public.

K-287

Muskogee, Indian Territory, July 25, 1904.

Honorable P. Porter,  
Principal Chief Creek Nation,  
Muskogee, Indian Territory.

Dear Sir:

Will you please return to this office deeds Nos. 10287 and 10287 A, Creek Indian Roll No. 6963, in favor of the heirs of Soper Willior, as it appears that a question as to the right to citizenship of said Soper Willior, has arisen.

Respectfully,

Commissioner in Charge.

COPY

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington, August 6, 1904.

Land.  
51317-1904.

The Honorable,  
The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated July 24, 1904, forwarding communication of the attorney for the Creek Nation of July 22, 1904, requesting that the enrollment of Seper or Sarpie Willior, Creek roll No. 6963, be reopened, in order that opportunity for the introduction of additional testimony may be had. He enclosed with his communication affidavit of Nokus Fixico, who states that he was personally acquainted with Seper Willior, who died prior to April 1, 1899.

The Commission say that they recently received other information, not under oath, which tends to corroborate the statements contained in the affidavit mentioned, and recommend that a rehearing be ordered.

From the affidavit of Nokus Fixico and the statements of the Commission it would appear that the case should be reopened, and the office so recommends.

The Commission make no mention of the deed in favor of said Seper Willior, but Mr. Mott states that deed in his favor No. 10287, has been executed, but has not been delivered.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

GAW)ma



COPY

CMR

DEPARTMENT OF THE INTERIOR,

WASHINGTON. August 9, 1904.

DC. 29371  
ITD 6324-1904.  
IRS.

The Commission

to the Five Civilized Tribes.

Gentlemen:

July 25, 1904, the Commissioner in Charge, transmitted a communication from the Attorney for the Creek Nation, requesting a re-opening of the case of Soper (Sarpis) Willior, Creek roll No. 6963, on the strength of an affidavit of Nokus Fixico, that Soper Willior died prior to April 1, 1899.

The Commissioner in Charge recommends that the case be re-opened and a rehearing order, stating that your Commission "has recently received other information, not under oath, which tends to corroborate the statements contained in the affidavit of Nokus Fixico."

The Acting Commissioner of Indian Affairs recommends that the case be reopened. A copy of his letter of the 6th instant is inclosed.

The Department concurs, and you are directed to reopen the case and order a rehearing.

The letter of the Attorney and the affidavit of Nokus Fixico are returned herewith.

Respectfully,

Thos Ryan  
Acting Secretary.

3 inclosures.

Muskogee, Indian Territory, August 22, 1904.

M. L. Mott,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

The name of Seper Willior is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, No. 6963.

August 9, 1904, the Secretary of the Interior, on your motion reopened the case and directed the Commission to order a rehearing.

You are hereby notified that on September 29, 1904, the Commission, at its office in Muskogee, Indian Territory, will hear such evidence as may be submitted relative to the rights to enrollment of said Seper Willior, deceased, as a citizen of the Creek Nation.

It is particularly desired that the date of his death, as near as may be, shall be established.

Respectfully,

Chairman.

INDEXED

COMMISSIONER TO FIVE TRIBES

No.	Received	ANSWERED
51126		Book Page
1905	NOV 13 1905	

Posey, Alex  
Okemah, I.T.  
Nov. 10, 1905.

Transmits testimony in  
re enrollment of Hoper  
Willior as citizen by blood of  
the Creek Nation.

CREEK ENROLLMENT

DEPARTMENT OF THE INTERIOR,  
Cr.En.603. COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Okemah, Indian Territory, November 10, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

There is enclosed herewith testimony taken November 2, 1905, in the matter of the enrollment of Seper Willior, deceased, as a citizen by blood of the Creek Nation, together with a copy of Creek Indian card field number 2304.

It appears that Betty Deere and Wilson Knight executed affidavits May 8, 1901, stating that said Seper Willior, deceased, died April 9, 1899; but both affiants are now dead and I am unable to secure further evidence in said case.

Respectfully,

  
Clerk in Charge Creek Field Party.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.W.H.

FHR.

I.T.D. 14248-1905.

March 14, 1906.

LRS

The Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

October 2, 1905, you recommended that the enrollment of Peggy Willior, whose name appears on the partial roll of citizens by blood of the Creek Nation opposite No. 5961, be allowed to stand, the matter of her enrollment having been reopened by the Department on September 17, 1904, on motion of the attorney for the Creek Nation, accompanied by the affidavits of Wilson Knight and Barney Yahola to the effect that said Peggy Willior died prior to April 1, 1899, and it appearing from the testimony of Peggy Mitchell, nee Willior, and William Mitchell, taken August 24, 1905, that said Peggy Willior did not die prior to April 1, 1899, and that she is now living.

Reporting October 28, 1905, the Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department also concurs, and the enrollment of said Peggy Willior, now Mitchell, opposite No. 5961 on the partial roll of citizens by blood of the Creek Nation, will not be disturbed.

Respectfully,

(Signed) Thos Ryan.

First Assistant Secretary.

1 inclosure.



(COPY)

Muskogee, Oklahoma, April 27, 1909.

Subject:  
Status relative  
to enrollment of  
Saper Willier as  
Creek citizen.  
-----

The Honorable,

The Secretary of the Interior,

Sir:-

I have the honor to invite your attention to the fact that on July 25, 1904, the Commission to the Five Civilized Tribes transmitted to the Department for consideration, a communication from the Creek National Attorney addressed to the Secretary of the Interior and the affidavit of Nokus Fixico, in the matter of the right to enrollment of Saper Willier, deceased, whose name is contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior March 28, 1902, opposite roll number 6963, with the recommendation, in view of the affidavit of said Nokus Fixico to the effect that said Saper Willier died prior to April 1, 1899, that the matter of the enrollment of said Saper Willier be reopened and a rehearing ordered.

On August 9, 1904, (I.T.D. 6324, 1904), the Department reopened said case and directed that a rehearing be had,

Secretary of the Interior #2.

notice of which was properly given to all parties in interest.

Repeated efforts were made by the Commission and by the Commissioner to the Five Civilized Tribes, to secure a hearing at Muskogee and have submitted by the interested parties evidence relative to the right to enrollment of said Seper Willior, deceased, but without success. The Commissioner to the Five Civilized Tribes did, however, secure through a representative of this office, on November 2, 1905, at Irene, Indian Territory, the testimony of said Nokus Fixico which testimony is to the effect that Seper Willior died prior to April 1, 1899. Nokus Fixico states in his testimony that Willior died before any of his (Nokus Fixico's) children, and the records of this office are conclusive as to the fact that Nokus Fixico's children died prior to April 1, 1899, as is shown by reference to the record in Creek Enrollment Case No. 398, transmitted to the Department on June 14, 1905, with the recommendation of the Commission to the Five Civilized Tribes that the names of the children of Nokus Fixico be stricken from the approved roll, which recommendation was concurred in by the Department on August 5, 1905.

On December 17, 1901, an allotment was selected By Mrs A. B. Davis, administratrix of the estate of said Seper Willior, for his heirs, and afterwards a deed was issued to said heirs, but not recorded, and later canceled.

Secretary of the Interior --3.

In view of the testimony of Nekus Pixee, I respectfully recommend that opposite the name of said Soper Willier on the approved roll of Creeks by blood, number 6963, the following notation be placed in accordance with Departmental decision of April 2, 1907, in the case of Moses Riley, et al.: "Died prior to April 1, 1899; not entitled to allotment".

I have to further report that efforts have been made to secure additional material testimony in this matter, but without success, as no immediate member of Soper Willier's family is now living, and members of the National Council from his Town and former neighbors say they are not sufficiently advised as to the date of his death.

The complete record in this case, same being Creek Enrollment Case No. 603, is herewith transmitted.

Respectfully,

(Signed) J. G. Wright

SCP(MPS)  
Incl. 27-1

Commissioner.

Through the Commissioner  
of Indian Affairs.

COPY.

D.O.M.  
D-7483.

C.E.M.  
C.E.W.

September 20, 1909.

-----  
Creek Enrollment case.

Seper Willior.  
-----

Commissioner

to the Five Civilized Tribes.

Sir:-

Enclosed is a copy of a letter of even date herewith,  
addressed to the Commissioner of Indian Affairs, author-  
izing the following notation against the name of Seper Willior,  
No. 6963, on the roll of Creek citizens by blood;

Died prior to April 1, 1899; not entitled to al-  
lotment.

You are authorized to make the same notation on the  
roll in your custody.

Very respectfully,

(Signed) Frank Pierce

Acting Secretary.  
W.C.P.

(1 inclo.)

C.E.W.

D.O.M.

(COPY)

D-7483.

Sep 20 1909

-----  
Creek Enrollment case.

Seper Willior.  
-----

The Commissioner

of Indian Affairs.

Sir:-

The Department, concurring in your report of May 27, 1909, directs that there be placed against the name of Seper Willior, No. 6963, on the roll of Creek citizens by blood in your custody, the following notation:

Died prior to April 1, 1899; not entitled to allotment.

The evidence very plainly shows that Willior died prior to April 1, 1899, and that he had no title to enrollment under section 28, Act of March 1, 1901 (31 Stat., 561). This evidence was adduced at a hearing, all parties in interest having been given notice thereof and accorded in all respects due process of law.

This letter also serves as authority for like notation on the rolls in the custody of the Secretary, and by letter of even date similar authority is granted to the Commissioner to the Five Civilized Tribes, said letter, together with the papers in the case, being herewith forwarded to you.



Very respectfully,

(Signed) Frank Pierce.

Acting Secretary.

Enclosures.

Muskogee, Oklahoma, April 21, 1910.

Mrs. A. B. Davis,

Administratrix of the estate  
of Soper Willior, deceased,

Arbeka, Oklahoma.

Madam:

A motion having been filed at this office by Roach & Bradley, attorneys for the heirs of Soper Willior, deceased, for a rehearing in the matter of the date of his death, you are hereby notified that a hearing will be had in said case at my office in Muskogee, Oklahoma, on Tuesday, May 10, 1910, at nine o'clock A. M., at which time you will be given an opportunity to give such testimony as you desire relative to the date of death of Soper Willior.

Respectfully,

Acting Commissioner.

WHA(MoM)

Register

Muskogee, Oklahoma, April 21, 1910.

Mr. M. L. Mott,  
Attorney for Creek Nation,  
Muskogee, Oklahoma.

Sir:

It appears from testimony heretofore submitted in the matter of the enrollment of Soper Willior, deceased, Creek by Blood, Roll No. 6963, that he died prior to April 1, 1899, and that his estate is therefore not entitled to share in the distribution of the common property of said Nation.

It further appears that by Departmental instructions of September 20, 1909, the following notation was placed opposite the name of said Soper Willior, Creek by Blood, Roll 6963, on the roll of citizens by blood of the Creek Nation:

"Died prior to April 1, 1899; not entitled to allotment."

it having therefore been established by competent evidence that he died prior to April 1, 1899.

On April 16, 1910, Roach and Bradley, attorneys for Bettie Deere and Peggy Mitchell, nee Willior, alleged heirs of said Soper Willior, deceased, filed at this office a motion for a rehearing in the case, alleging that said Soper Willior died subsequent to April 1, 1899, and that his estate was thereby entitled to an allotment in the Creek Nation.

M L M 2

In view of the foregoing you are hereby notified that on Tuesday, May 10, 1910, at nine o'clock A. M., the Commissioner to the Five Civilized Tribes will, at his office in Muskogee, Oklahoma, hear such evidence as may be submitted touching the right to enrollment of said Soper Willior, deceased, as a citizen by blood of the Creek Nation, at which time you will be given an opportunity to introduce such witnesses as you may desire to establish the date of death of Soper Willior.

Respectfully,

Acting Commissioner.

WHA(MoM)

Register

Muskogee, Oklahoma, April 21, 1910.

Mr. Nocus Fixico,  
Irene, Oklahoma.

Sir:

A motion having been filed at this office on April 16, 1910 by Rouch & Bradley, attorneys at law, of Muskogee, Oklahoma, for a rehearing in the matter of the enrollment of Soper Willior, Creek by Blood, Roll No. 6963, opposite whose name appears on said roll the following notation:

"Died prior to April 1, 1899; not entitled to allotment,"

alleging that he was living on that date, a hearing will be had in said case at my office in Muskogee, Oklahoma, on Tuesday, May 10, 1910, at nine o'clock A. M., at which time you are requested to appear and testify as to the date of death of said Soper Willior.

Respectfully,

Acting Commissioner.

WHA(MoM)

Register



Muskogee, Oklahoma, April 21, 1910.

Messrs. Roach & Bradley,  
Attorneys at Law,  
Muskogee, Oklahoma.

Gentlemen:

Referring to the motion filed by you at this office on April 16, 1910, for a rehearing in the matter of the enrollment of Saper Willior, deceased, Creek by Blood, Roll No. 6963, you are hereby notified that said motion has been granted and that a hearing will be had in the case at my office in Muskogee, Oklahoma, Tuesday, May 10, 1910, at nine o'clock A. M., at which time you will be permitted to introduce such evidence as you may desire relative to the date of death of said Saper Willior.

Respectfully,

Acting Commissioner.

WHA(McM)

Register

Muskogee, Oklahoma, August 28, 1911.

Subject:  
In re enrollment of  
Seper Willior, Creek by  
blood, roll No. 6963.  
-----

The Honorable,

The Secretary of the Interior.

Sir:

On July 25, 1904, the Commissioner to the Five Civilized Tribes transmitted to the Department for consideration, a communication from the Creek National Attorney, addressed to the Secretary of the Interior, and the affidavit of Nokus Fixico, in the matter of the right to enrollment of Seper Willior, deceased, whose name was contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior March 28, 1902, opposite roll No. 6963, with the recommendation that the matter of his enrollment be reopened and a rehearing had therein, and thereafter, by Departmental instructions of August 9, 1904 (I.T.D. 6324-04), the case was ordered reopened and remanded for a rehearing.

While the records in the case on file in this office the originals being on file with the Department, do not show clearly that all the parties in interest had notice that it has been ordered reopened by the Department, and that a rehearing would be had, on November 2, 1905, the testimony of

2-Sec.Int.

Nokus Fixico was obtained, which was the only testimony secured. This testimony was to the effect that Seper Willior died before his (Nokus Fixicos') children. The records of this office show conclusively that the children of Nokus said Nokus Fixico died prior to April 1, 1899, and that their names were stricken from the approved roll by the Secretary of the Interior on August 5, 1905.

On April 27, 1909, the complete record in the case was transmitted to the Secretary of the Interior with the recommendation, that, in view of the testimony of Nokus Fixico, that opposite the name of said Seper Willior on the approved roll of Creeks by blood at No. 6963, the following notation be placed:

"Died prior to April 1, 1899;  
not entitled to allotment".

On September 20, 1909 (I.T.D.7483-09), the Department concurred in the recommendation of the Commissioner to the Five Civilized Tribes of April 27, 1909, and directed that there be placed opposite the name of Seper Willior at No. 6963, on the approved roll of citizens by blood of the Creek Nation, in the possession of the Commissioner to the Five Civilized Tribes, the following notation:

"Died prior to April 1, 1899;  
not entitled to allotment".

which notation was placed on said roll in accordance with

3-Sec.Int.

such instructions, and all parties in interest were notified thereof.

On April 16, 1910, Roach & Bradley of Muskogee, Oklahoma, attorneys for Bettie Deere and Peggy Mitchell (nee Willior), heirs at law of said Seper Willior, filed a petition in the office of the Commissioner to the Five Civilized Tribes alleging therein that they were in possession of evidence to show that said Seper Willior died subsequent to April 1, 1899, and that he was thereby entitled to enrollment and allotment of land in the Creek Nation; that the heirs had never been given an opportunity to produce this evidence at any hearing had in the matter, and asked that the case be reopened and that a date be set for the hearing and for the taking of such testimony as might be offered pertaining to the date of the death of said Seper Willior, and to his right to enrollment and allotment.

On April 21, 1910, the parties in interest were notified that a hearing would be had at the office of the Commissioner to the Five Civilized Tribes in Muskogee, Oklahoma, on Tuesday, May 10, 1910, at nine o'clock a. m., at which time an opportunity would be given for the introduction of such evidence as might be desired to establish the date of the death of said Seper Willior.

On May 10, 1910, the date set for the rehearing of

4-Sec?Int.

this case Messrs. Roach & Bradley, attorneys for the heirs of said Seper Willior, and M. L. Mett, attorney for the Creek Nation, appeared, and the testimony of Peggy Mitchell (nee Willior,) Jackson Knight, Town King of the Creek tribal town of Arbeka, and Aaron Grayson, was taken.

While there is some doubt as to the exact date of the death of said Seper Willior, the evidence submitted at the last hearing in the case seems to show that he died subsequent to April 1, 1899, and I therefore have the honor to transmit herewith for your consideration, the complete record in this case, consisting of copies of the testimony taken at the hearing had therein on November 2, 1905, and May 10, 1910, copies of affidavits of Nokus Fixico, Bettie Deere, Wilson Knight and A. B. Davis, in the matter of the death of said Seper Willior; the petition of Messrs. Roach & Bradley asking for a rehearing; copies of my report to the Department of April 27, 1909, and Departmental letters of August 9, 1904 (I.T.D. 6324-04 and 7483-09), in regard to the matter.

Very respectfully,

(Signed) Thos Ryan

Acting Commissioner.

WHA-L  
Enc L-20

Through the

Commissioner of Indian Affairs.



1-1912

2156  
1

Land-  
Allotments.  
76412-1911.  
105820-1911.  
98772-1912.  
J. E. D.

Oct 21 1912

Creek enrollment case  
of Soper Willior.

The Honorable  
The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report of October 3, 1912, from the Commissioner to the Five Civilized Tribes, and other papers, relative to the enrollment and date the date of death of Soper Willior whose name appeared opposite No. 6963 on the final approved roll of citizens by blood of the Creek Nation and opposite whose name on said roll there was placed under Departmental instructions of September 20, 1909, the notation -

Died prior to April 1, 1899; not entitled to  
allotment.

A motion for a rehearing in the case was filed by Messrs. Roach and Bradley, as attorneys for Betty Deere and Peggy Mitchell mother and sister of said Soper Willior, deceased, it being claimed that the petitioners were in possession of evidence to the effect that Soper Willior died subsequent to April 1, 1899. Further testimony was taken as to the date of the death of said Soper Willior, and the transcript thereof is transmitted herewith.

The Office is of the opinion that while the exact date of the death of Seper Willier is not definitely established, the testimony taken is sufficient to show that his death occurred in the winter time, <sup>and</sup> during the smallpox epidemic which raged in the Creek Nation in the year 1899.

The Office believes that the evidence is sufficient to show that Seper Willier died some time during the month of February, 1899, and therefore that he was not entitled to enrollment as a person entitled to share in the tribal property of the Creek Nation.

The Office therefore recommends that the action taken by the Department on September 20, 1909, in placing a notation opposite the name of said Seper Willier on the final approved roll of Creek citizens by blood to the effect that he died prior to April 1, 1899 and was not entitled to allotment, be not disturbed, and that the notation placed upon the rolls opposite the name of Seper Willier be not erased.

Respectfully,

(Signed) C.F. Hauke.

Acting Commissioner.

10-NHP-10

Nov 14 1912.

Approved:

(Signed) Lewis C. Laylan

Assistant Secretary.

1-30179  
Refer in reply to the following:

Address only 1  
the Commissioner of Indian  
Affairs.

2136

Land- Allotments.

76413-1911.

105610-1911.

98778-1912.

J E D

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS.

Washington

10-

Nov 23 1912

Creek enrollment case  
of Soper Willior.

The Commissioner

to the Five Civilized Tribes.

Sir:

Referring to your report of October 3, 1912, relative to the enrollment and the date of the death of Soper Willior whose name appeared opposite No. 6963 on the final approved roll of citizens by blood of the Creek Nation, and opposite whose name on said roll there had been placed under Departmental instructions of September 20, 1909, a notation "Died prior to April 1, 1899; not entitled to allotment", you are advised that the Department on November 14, 1912, approved Office recommendation of October 21, 1912, that the action taken by the Department on September 20, 1909, placing the above mentioned notation opposite the name of said Soper Willior should not be disturbed and that the notation should not be erased.

A copy of Office letter of October 21, 1912 approved by the Department November 14, 1912, is transmitted herewith for your information and guidance.

Respectfully,

F. E. Abbott  
Acting Commissioner.

11-RFP-21

CR EN 604

CR EN 604

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. July 28, 1904.

Supplemental testimony

In the matter of the application for the enrollment of Ambrose Downing as a citizen by blood of the Creek Nation.

(The office of the Attorney for the Creek Nation was called and it was reported that he was not in.)

March Thompson being duly sworn, testified as follows through Alex, Posey, official interpreter, partly:

Examination by the Commission:

- Q What is your name? A March Thompson.
- Q How old are you? A Fifty nine.
- Q What is your post office address? A Burney.
- Q Do you know Ambrose Downing? A Yes sir.
- Q Is he any kin to you? A Yes sir.
- Q What relation is he to you? A Brother's son's sons.
- Q What is the name of Ambrose's father? A Moses.
- Q Moses Downing? A No sir, just Moses.
- Q Was he a citizen of the Creek Nation? A Yes sir. Mose's mother was named Louisa.
- Q Mose is dead, is he? A Yes sir.
- Q How long has he been dead? A Died in the Cherokee Nation; don't know how long.
- Q Did he die before the \$29 payment? A Was taken over to the Cherokee country to Ft. Gibson during the war and died over there.
- Q Did he ever return to the Creek Nation? A Never come back here.
- Q To what town in the Creek Nation did Moses belong? A Tulwathlocco.
- Q What is the name of Ambrose's mother? A He understand that he married a white woman over in the Cherokee Nation whose name he does not know.
- Q Do you know whether the Cherokees put Mose on their rolls or not? A I don't know.
- Q Did Ambrose ever live with you? A He says that he identified them as Creek citizens and had them placed in the orphan school at Okmulgee; after he left the orphan school he come to my house and lived with me till he was married.
- Q Was any money ever drawn for Ambrose in the Creek Nation? A I drew for him.
- Q How much did you draw? A \$14.00. The payment was made to him after the regular payment was made at Okmulgee, and he states that he turned the money over to Ambrose when he came to his house.
- Q What town do you belong to? A Tulwathlocco.
- Q Are you an officer of that town? A At that time I was an officer.
- Q What position did you hold? A Member of the House of Kings.
- Q Was it a part of your duties to look out for the members of your town to see that they were properly enrolled at that time? A Yes sir.
- Q How did he come by the name of Downing? A He does not seem to know how he came by the name but it seems to think his father lived and died by the name of Moses, but when they were placed in the orphan school the children were known as Downings.



Q That is a Cherokee name, isn't it? A Some of the Downings took these children probably after they were left orphans; all these.

Q Was the name of Ambrose's father ever on the Creek rolls, or do you know? A He says he was a recognized citizen over here and was on the rolls at the time he left here; probably there is no record of it at this time.

Q Was he ever called anything but Mose? A That's the only name he had.

Q And he belonged to Tulwathlocco town? A Yes sir.

Q Did he have any brothers and sisters? A Yes sir.

Q What were their names? A Thomas Doctor; he had a sister by the name of Ajugry.

Q Did Mose have an Indian name? A He said he left here when he was a young man and it was a custom among the Indians at that time to give the children a boyhood name and afterwards to give them a name.

Q Was Mose's mother living after the War? A Died before the War and Thomas Doctor's ~~mother~~ has been dead about 20 years; Moses was a very young boy during the war and was taken North by his aunt and then returned to Ft. Gibson and was stolen by the soldiers and taken over about Tahlequah.

Q He didn't come back to the Creek Nation after the War? A After he got to Tahlequah, he rode back and stated he would return but only got back as far as Ft. Gibson.

Q So he never did return to the Creek Nation? / Not that I know of.

Q You are positive that you drew the \$14.40 for Ambrose Downing?

A Yes sir.

Q Was Ambrose's father a full blood Creek? A Yes sir.

Q Are you the present town King? A No; Sam Haynes.

Q Have you got a roll of your town? A He says he was included in the roll he made and turned over to the Commission at Okmulgee the first time they went there and again at Eufaula.

Q Who paid you that money? A Ellis Childers. He would testify to that, I think.

Q Was he the treasurer of the Creek Nation, then? A Yes sir.

The tribal rolls of the Creek Nation in the possession of the Commission have been carefully examined, and the applicant is not identified on any of said rolls.

-----  
Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 13 day of August, 1904.

Charles L. Sawyer  
Notary Public.

En. 604.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, APRIL 3, 1906.

-ooOoo-

In the matter of the application for the enrollment of  
Ambrose Downing, as a citizen by blood of the Creek Nation.

AMBROSE DOWNING, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

- Q What is your name? A Ambrose Downing.  
Q How old are you? A About twenty-two.  
Q What is your postoffice address? A Burney.  
Q What is the name of your mother? A Early Downing.  
Q Is she a citizen of the Creek Nation? A No.  
Q Was she a citizen of any Nation in Indian Territory? A No.  
Q What is the name of your father? A Barney Downing.  
Q Is he a citizen of the Creek Nation? A Yes.  
Q What town in the Creek Nation do you belong to? A Thlophlocco.  
Q Did you ever draw any money from the Creek Nation? A Yes.  
Q In what years? A No answer.  
Q What was the amount? A I drew the \$14.40 payment, I believe it was.  
Q Did you draw that personally? A March Thompson drew it for me.  
Q Did you ever have any other name besides Ambrose Downing? A No.  
Q Didn't you have an Indian name? A No.  
Q Where have you always lived? A I went to school to the Okmulgee Mission and down to Bufaula.  
Q Did you ever live in the Cherokee Nation? A Yes, when I was a little boy.  
Q About how old were you when you moved from the Cherokee Nation to the Creek Nation? A About thirteen.  
Q And you had always lived in the Cherokee Nation before that? A Yes.  
Q Was your mother a white woman? A Yes.  
Q Did you ever draw any money in the Cherokee Nation? A No.  
Q Did your father ever have any other name besides Barney Downing? A I do not know; he died when I was a little boy.  
Q You do not remember of him ever having any other name? A No.  
Q Did he ever go by the name of Moses? A If he did I do not know.  
Q Did your father ever have any brothers and sisters? A I could not tell whether he did or not.  
Q When did your father die? A I do not know; I was a little thing when he died.  
Q Did he die as much as fifteen years ago? A Yes, I know.  
Q Did he die more than that? A Yes.  
Q Was your father a full blood Creek? A Yes.  
Q Who was your Town King? A March Thompson.  
Q He collected that money for you and gave it to you? A Yes.  
Q Your wife does not know anything about this, of course, does she? A No.  
Q With what family did you live at the time you drew that money? A March Thompson.  
Q With March Thompson's family? A Yes.

Downing.. #2.

When he drew the money I was at Okmulgee going to school to the Okmulgee Mission--I never got the money until I quit school and went down there to Burney.

- Q Where does March Thompson live? A At Burney.  
Q Have you any brothers or sisters? A One brother dead.  
Q How many sisters have you? A One.  
Q What is her name? A Lizzie Downing---she is dead.  
Q And what is your brother's name? A Jesse Downing.  
Q They are both dead, are they? A Yes, both dead.  
Q Did they draw any money? A No.  
Q When did they die? A I do not know it was after I went to the Mission. One went to the Mission and my sister did not get there---she died in Okmulgee.  
Q You mean Coweta Mission? A No, Okmulgee.  
Q You say you were about thirteen years old when you came to the Creek Nation? A Yes.  
Q That has been about ten years ago? A Yes.

The witness is advised to confer with March Thompson and also the Treasurer of that Town and to bring them in if they are able to introduce any further evidence in this case; for this purpose thirty days from date is allowed.

Zera Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in said.

Zera Ellen Parrish

Subscribed and sworn  
to before me this 6  
day of April, 1905.

Edw. S. Sines  
Notary Public

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, July 28, 1905.

In the matter of the application for the enrollment of  
Ambrose Downing as a citizen by blood of the Creek Nation.

Joshua Ross, being duly sworn, testified as follows:

Q What is your name? A Joshua Ross

Q What is your age? A 72

Q What is your post office? A Muskogee

Q Are you a citizen of the Creek Nation? A Citizen by marriage  
I am a Cherokee, I married a Creek.

Q Do you know Ambrose Downing? A I do

Q When did you first see him? A I think it was in 94 or 5

Q Was he living in the Creek Nation at that time? A No, in the  
Cherokee Nation.

Q Is he a citizen of the Creek or Cherokee Nation? A Citizen  
of the Creek Nation.

Q What was he doing in the Cherokee Nation? A He was an orphan  
boy living at the home of a Mr. Hearn a Cherokee citizen

Q Do you know who his parents were? A I am informed that his  
father was a Creek, came to the Cherokee Nation when he was a  
young man.

Q And his father died in the Cherokee Nation? A Yes, sir

Q And Ambrose was born there? A Yes, sir

Q Was his mother an Indian? A White

Q What do you know about the return of Ambrose Downing to the  
Creek Nation? A I found out that he and his brother Jesse and his  
sister were orphans, father and mother both dead, that his mother  
was a white woman and his father a Creek Indian by blood and that  
they were born in Going Snake district in the Cherokee Nation.  
The father was taken when there was a company of soldiers went  
from Fort Gibson to the mouth of Little River some time in 1864.  
The Creeks had all gone, had left that part of the country and  
gone towards Red River and the Federal company that went had  
found this Creek boy somewhere round on Canadian I think it was  
and brought him to Fort Gibson and when peace was declared in  
1865 a man in Going Snake took the Creek boy and raised him.  
And there he married some white woman, I don't know her name,  
and there was born, Ambrose, Jesse and a sister, Isparhecher.

He was chief of the Creeks at that time here in Muskogee and I told  
him all the facts. That was in 1895 I told him it would be well  
to get him and put him in the Creek orphan asylum near Okmulgee.

He told me to have him brought over. I contracted with Riley  
Keyes in the Cherokee Nation to bring him over as he was with him  
when I first saw the child Riley Keyes brought them over to  
Muskogee to my house in a wagon and charged \$11.50 and I sent  
them all on to the orphan asylum at Okmulgee. Mr Posey had  
charge of it under the approval of chief Isparhecher.

Then in that fall or the next I forget which I went out to the  
Creek council and G.A. Alexander, I believe they called him Toke  
Alexander, was president of the House of Kings and I introduced  
the subject and they had them recommend that Riley Keyes be paid  
the \$11.50. Thompson was in the house at the time and he remem-  
bered of his town people having lost a boy during the war and I  
was given to understand that the boys would be all right and  
would be entered on the Creek roll and then I came back to  
Muskogee. The girl died in the Cherokee orphan asylum.

By Commissioner:

Book entitled House of Kings, Minute book No. 1, 1895 to 1897 examined and on page 367 in the minutes for Wednesday October 13, 1897 appears the following: "A bill appropriating eleven dollars and fifty cents \$11.50 out of the orphan funds in favor of Riley Keys claim for bringing two orphan boys from the Cherokee Nation was read and referred to the House of Warriors."

Q Do you know if Keys received the amount of his claim \$11.50

A I sent it to him. He told me he received it

Q Who gave you the money? A I think they sent me a check or something. Riley Keys I know got the money

Q And it came from the Creek Nation? A Yes, sir

Alex Posey being duly sworn on his oath testified as follows:

Q What is your name, age and post office address? A My name is Alex, Posey, I am 31 years of age, my post office address is Muskogee

Q Are you a citizen of the Creek Nation? A Yes, sir.

Q Have you ever held any official positions in the Creek Nation? A Yes, sir

Q What official positions have you held? A Council member, superintendant of several boarding schools, superintendant of public instruction etc.

Q Were you ever superintendant of the Creek orphan asylum? A Yes

Q During what year? A From December 8, 1895 to December 8, 1897

Q Do you remember of a boy named Ambrose Downing being brought from the Cherokee Nation and placed in the Creek orphan asylum in the year 1896 or 7? A Yes, sir

Q State what you know about the circumstance of this boy being placed in the asylum? A There were two orphan boys named Ambrose and Jesse Downing brought over from the Cherokee Nation at the instance of Joshua Ross

Q Was money furnished for their tuition and support by the Creek authorities? A Yes, sir They were fed, clothed and schooled the same as other Creek children in the school.

Q Were they regarded as Creeks? A Yes, sir

Q How was any knowledge of money being drawn for these boys at the 1896 or 97 payments. A March Thompson, town King of Tall-wathlocco drew money for them in the 1896 payment. The amount was \$25.00

Q Do you know of your own knowledge or did March Thompson tell you about it? A I think I made some effort to draw the money for the children myself but discovered that March Thompson had already drawn the money claiming that the children were members of his town and it was customary at that time for town kings to draw money for the members of their town

Q Do you know under what name that appeared on the Creek payroll? A I do not

Q Do you know if that money was sent to the boys or applied on their support in any way? A I do not know what disposition March Thompson made of the money.

Q You are at the present time an employe of the Commissioner to the Five Civilized Tribes? A Yes, sir

Q State what position you held? A Clerk and Creek interpreter.

Anna Garrigue on oath states that the above and foregoing is a true and correct copy of her stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 10th day of July 1908

Notary Public.



82  
En. 604.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Ambrose Downing as a citizen by blood of the Creek Nation:

SUPPLEMENTAL STATEMENT.

Record of the proceedings of the Gilbert Commission  
examined and it does not appear that application was made to  
said Commission for the admission of the applicant herein  
or of his father to citizenship in the Creek Nation.

Record of the proceedings of the Commission to the  
Five Civilized Tribes under authority of the act of Congress  
of June 10, 1896 examined and it does not appear that appli-  
cation was made to said Commission for the admission of the  
applicant herein or of his father to citizenship in the  
Creek Nation.

Tribal rolls of the Creek Nation examined and the  
name of the applicant herein does not appear on any of  
said rolls, nor is the father of the applicant herein  
identified on any of said rolls.

*W. C. Bear*  
Acting Commissioner.

Muskogee, Indian Territory,

August 8, 1906.

2n:604.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Ambrose Downing as a citizen by blood of the Creek Nation:

D E C I S I O N.

The record in this case shows that on July 28, 1904, March Thompson appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of Ambrose Downing as a citizen by blood of the Creek Nation.

Further proceedings were had April 8, 1908, July 28, 1908, and August 8, 1908.

The evidence shows that the applicant is not a full blood Creek Indian and no claim is made that his mother was a citizen of the Creek Nation.

It does not appear from the evidence that the applicant herein, or his father, has ever been enrolled as a citizen of the Creek Nation, nor has he, or his father, ever been admitted to citizenship in said nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Ambrose Downing as a citizen by blood of the Creek Nation and the application for his enrollment as such is accordingly denied.

  
COMMISSIONER.

Muskogee, Indian Territory.

1911

En: 604:

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Ambrose Downing as a citizen by blood of the Creek Nation:

D E C I S I O N.

The record in this case shows that on July 28, 1904, March Thompson appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of Ambrose Downing as a citizen by blood of the Creek Nation.

Further proceedings were had April 3, 1905, July 26, 1905, and August 8, 1905.

The evidence shows that the applicant is not a full blood Creek Indian and no claim is made that his mother was a citizen of the Creek Nation.

It does not appear from the evidence that the applicant herein, or his father, has ever been enrolled as a citizen of the Creek Nation, nor has he, or his father, ever been admitted to citizenship in said nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Ambrose Downing as a citizen by blood of the Creek Nation and the application for his enrollment as such is accordingly denied.

\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,

OCT 12 1905  
-----

Gr Kn 604

Waukeges, Indian Territory, May 23, 1906.

Commission to the Five Civilized Tribes,  
Cherokee Enrollment Division.

Gentlemen:

In the matter of the application for the enrollment of Ambrose Downing, as a citizen of the Creek Nation, it is claimed that the father of said applicant lived in the Cherokee Nation ever since the War, and that the applicant was born and raised in said Nation. The name of the applicant's father is given as Burney Downing or Moser.

You are requested to advise the Creek Enrollment Division whether application has been made for the enrollment of said Ambrose Downing as a citizen of the Cherokee Nation, and if so, what disposition has been made of it.

Respectfully,

Chairman.

No. 604

Washoe, Indian Territory, October 18, 1900.

Andrew Towning,

Burney, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of your application for enrollment as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-11



201004

Muskogee, Indian Territory, October 18, 1908.

W. T. Mills,

Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Ambrose Manning as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-SH

En. 604

Muskogee, Indian Territory, October 15, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Ambrose Downing as a citizen by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1905.

Respectfully,

Commissioner.

Through the  
Commissioner of Indian Affairs.

AG-23

Refer in reply to the following  
Land  
88786-1906

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

Washington, November 3, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated October 12, 1908, transmitting the record of the application made July 28, 1904, for enrollment as a citizen by blood of the Creek Nation of Ambrose Boring.

October 12, 1908, the Commissioner decided adversely to the applicant.

The record shows that the applicant is not a full blood Creek Indian but that his mother was a white woman. It does not appear that the applicant, or his father has ever been enrolled or admitted to citizenship by any tribal Authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully,

O. F. Harrabee  
Acting Commissioner

NOT W

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DEPARTMENT OF THE INTERIOR

WASHINGTON, November 14, 1908

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

October 12, 1908, you transmitted the record of the application of Ambrose Downing for his enrollment as a citizen by blood of the Creek Nation, including your decision dated October 12, 1908, adverse to the applicant.

November 8, 1908, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision adverse to the applicant be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and your decision dated October 12, 1908, denying the application of Ambrose Downing for his enrollment as a citizen by blood of the Creek Nation is hereby affirmed.

Respectfully,

Thos. Ryan  
First Assistant Secretary

1 inclosure

Mn. 604

Muskogee, Indian Territory, November 22, 1908.

Ambrose Downing,

Burney, Indian Territory.

Dear Sir:

You are hereby advised that under date of November 14, 1908, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1908, denying your application for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Acting Commissioner.



En. 604

Muskogee, Indian Territory, November 22, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of November 14, 1905, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1905, denying the application of Ambrose Downing for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

CR EN 605

CR EN 605

I.T.D. 8682-1903  
1842-1904

COPY.

JRW  
WCF  
BVF

DEPARTMENT OF THE INTERIOR,  
Office of the Assistant Attorney General  
Washington, April 16, 1904.

The Secretary of the Interior,

Sir

I received, with request for opinion thereon, by reference of March 21, 1904, the record of proceedings before the Commission to the Five Civilized Tribes in the case of Ella M. Tyner, a minor, for enrollment as a citizen by blood of the Cherokee Nation, on the application of John W. Tyner for enrollment of himself and for her enrollment as his grandchild.

The record shows that August 6, 1900, Ella M. Tyner was six years old, the illegitimate orphan child of Georgeann Tyner, unmarried, who died in 1895, when the applicant was about one year old. The child was born and has always lived in the Cherokee country. Her mother Georgeann was a daughter of John W. Tyner, a Cherokee by blood, admitted to Cherokee citizenship by reason of Cherokee blood, December 15, 1897, by the United States court for the northern district of Indian Territory, adjudicating upon an appeal from a decision by the Commission to the Five Civilized Tribes. The Commission to the Five Civilized Tribes, having previously admitted the grandparent John W. Tyner, March 2, 1903, found and held that:

The record in this case shows that on August 6, 1900, John W. Tyner appeared before the Commission at Sallisaw, Indian Territory, and made application for the enrollment, among others, of his grandchild, Ella M. Tyner, as a citizen by blood of the Cherokee Nation. . . .

The evidence shows that the said Ella M. Tyner is the daughter of Georgeann Tyner, who died in 1895. It appears from the evidence that the said Ella M. Tyner has never been enrolled by

by the tribal authorities of the Cherokee Nation; neither does it appear that she or her said mother were ever admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation; nor does it appear that the said Ella E. Tyner or her said mother were ever admitted to citizenship in the said nation by the Commission to the Five Civilized Tribes or by the United States court in Indian Territory, in accordance with the provisions of the Act of Congress June 10, 1896 (29 Stats., 321)

The Act of Congress of May 31, 1900 (31 Stats., 221) provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law, but it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Ella E. Tyner is not a citizen of the Cherokee Nation, and duly and lawfully enrolled or admitted as such; and that pursuant to the provisions of the law above quoted, this Commission is without authority to receive, consider, or make any record of the application for her enrollment as a citizen of the Cherokee Nation.

The Commissioner of Indian Affairs transmitting the proceedings of the Commission, December 9, 1903, referring to departmental decision in James W. Shirley, June 11, 1903, and in Ed Riley (I.T.D. 7989, 1902 January 24, 1903) recommended that the decision of the commission be not approved and that the commission be directed to enroll Ella E. Tyner as a citizen by blood of the Cherokee Nation.

The applicant, Ella E. Tyner, is the direct descendant of the grandfather, John W. Tyner, who at the date of the act of June 10, 1896 (29 Stats., 321, 339), was the applicant's nearest living ancestor then standing in the place of parent. Section 5 Article III of the Cherokee Constitution, as amended November 26, 1866, provides:

All native born Cherokees . . . and their descendants, who resided within the limits of the Cherokee nation, shall be taken, and deemed to be, citizens of the Cherokee Nation.

It was held by the Department in the case of Ed Riley, ~~supra~~, that one a minor when his mother was admitted to citizenship acquired by such admission the same rights as the parent had, though not named in the application for or act of admission. The principle of that decision and reasoning upon which it is founded are applicable to and must control the present case. The admission of the grandparent, who by death of his child, the parent stands as parent to the orphan grandchild, must have the same effect, it not appearing that the parent had lost right to citizenship and enrollment.

It does not appear whether the reputed male parent of the applicant was or was not of Cherokee blood. But such fact is immaterial, as in case of illegitimates the succession to civil rights and heritable blood necessarily follow the line of the mother.

The record conclusively shows the applicant's Cherokee descent, her minority when her nearest ancestor then living was admitted. Following the ruling in case of Ed Riley, ~~supra~~, applied to the present facts, I am of the opinion that the applicant became recognized as a Cherokee citizen by her grandfather, John W. Turner's admission, and that the commission should be directed to enroll her.

Very respectfully,  
FRANK H. CAMPBELL

Assistant Attorney General

Approved April 14, 1904

W. A. M. HOOK, Secretary.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 11, 1904.

In the matter of the application for the enrollment of Mose James as a Creek Freedman.

APPEARANCES: G. A. Murphey, attorney for applicant.  
M. L. Mott, attorney for Creek Nation.

Mose James being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mose James.  
Q How old are you? A I don't know sir how old I am.  
Q Give it the best you can? A About 33.  
Q What is your post office address? A Wewoka.  
Q Do you make application for enrollment as a Creek Freedman? A Yes sir.  
Q Where do you live? A I live in the Seminole Nation now with my wife.  
Q How long have you lived in the Indian Territory? A All my life/ never has been anywhere else.  
Q Have you ever been in the Creek Nation? A Yes sir.  
Q How long has it been since you moved out of the Creek Nation? A About 2 years ago.  
Q Is your wife a citizen of the Seminole Nation? A Yes sir.  
Q Have you ever been enrolled as a citizen of the Seminole Nation?  
A No sir.  
Q What town in the Creek Nation do you claim to belong to? A Arkansas.  
Q Did you ever belong to any other town? A No sir.  
Q Did you ever draw any money from the Creek Nation? A Yes sir.  
Q When? A I don't know when; it was at that last payment though.  
Q How much was it? A \$14.40.  
Q Did you draw the money yourself? A No sir, I didn't.  
Q Who did? A Ben Hivens.  
Q Did Ben Hivens turn the money over to you? A No sir, he didn't; he turned a horse over to me.  
Q Did you draw the \$20 payment? A No sir, I didn't draw it.  
Q How did you get on the roll of the Creek Nation? A Why, my folks is all Creek; my grandfather is Creek and there is the reason I got on.  
Q What is the name of your father? A Bill James.  
Q Is he living or dead? A Dead.  
Q Was he a citizen of the Creek Nation? A No sir; I never got to see him.  
Q What is the name of your mother? A Melvina Canard.  
Q Is she living? A Yes sir.  
Q Is she a citizen of the Creek Nation? A Yes sir; said to be too.  
Q Where does she live? A Across the river now.  
Q In the Creek Nation? A No sir, not living in the Creek Nation now.  
Q Where is she? A In Chickasaw Nation; she was living in the Creek Nation and I carried her over.  
Q Has she ever claimed to be a Chickasaw? A No sir; just claimed to be a Creek citizen like the rest of them.  
Q Did she ever draw any money from the Chickasaw Nation? A No sir.  
Q Do you know whether she has ever made application to be enrolled as a Chickasaw or not? A No sir, I don't.

Q Have you ever made application to the Commission to be enrolled as a Chickasaw? A No sir.  
 Q Were you living in the Creek Nation 14 years ago? A Yes sir.  
 Q Why didn't you draw the money that was paid then? A I will tell you the reason I didn't; it was just because it was neglectful; never thought about it.  
 Q Who were you living with then- 14 years ago? A I don't know sir; who; I live with my father and sometimes with an old woman; I never paid no attention to it.  
 Q Did you live with your mother when you was a boy? A No sir.  
 Q How old was you when you left home? A I was a young man when I left home; my grandfather raised me.  
 Q I am talking about when you left your mother. A I don't know; my mother never had no bother with me.  
 Q Was your grandfather a citizen of the Creek Nation? A Yes sir.  
 Q Who was he? A Caesar Canard.  
 Q How old were you when you left him? A About 15 or 20 I reckon.  
 Q What town did he belong to? A I don't know that.  
 Q That's your mother's father, is it? A Yes sir.  
 Q Who was your mother's mother? A I don't know sir; my aunt said she was a state raised woman.

The Dunn roll examined and the name of Melvina Canard not identified thereon.

Q Was your mother ever known by any other name except Melvina Canard?  
 A No sir, not that I know of.

The 1895 payroll of the Creek Nation, Arkansas and North Fork towns examined and the applicant not identified on either of said rolls; the 1895 omitted rolls of said nation and towns examined and the applicant not identified on either of said rolls. *nor is he identified on any other tribal roll of the Creek nation in the possession of the Commission*

Elijah Canard being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Elijah Canard.  
 Q How old are you? A Must be about 46 or 47.  
 Q What is your post office address? A Paden.  
 Q Do you know Mose James? A Yes sir.  
 Q Any kin to you? A Yes sir.  
 Q What? A Nephew.  
 Q Have you known him all his life? A Pretty near; I know him ever since he was a boy about three or four years old.  
 Q What is the name of his father; do you know? A No sir, I don't know.  
 Q What is the name of his mother? A Viney Canard.  
 Q Is she a sister of yours? A Yes sir.  
 Q Were you taken out of the Creek Nation during the war? A Yes sir; I was out during the war.  
 Q Was your sister Viney taken out at the same time? A No sir, not that I know of; I didn't know her only after the war; we are just half sisters; she was my father's daughter but not my mother's.  
 Q Was her mother a state woman, or do you know? A That's my understanding.  
 Q That's what you heard? A Yes sir.

Q You belong to North Fork Iowa? A Yes sir.  
 Q That is where she would properly belong if she was a citizen of the  
 Creek Nation? A Yes sir.  
 Q Who was ever called by any other name except Viney Gannard? What my  
 other than I know of well, my father's father was called a walker and  
 there was lots of times would call Walker but in the same time our  
 name was Gannard.  
 Q Whom did you belong to? A Motley Gannard.  
 Q Whom did Viney belong to? A To some collector I think in the Chickasaw  
 Nation. I can't say positively.  
 Q Viney lives in the Chickasaw Nation now, does she? A Yes sir.  
 Q Has she been married down there in the Chickasaw Nation? A I think  
 she has. And some children.  
 Q Has she got some more children? A I think two more.  
 Q And you think that the two other children were married down there  
 to-gether? A Yes sir.  
 Q What are their names? A The boys name is Ben Stevenson and the other  
 is named Lucy. I think she's busy for some time--it may be she is married  
 and changed her name.  
 Q Do you know whether any money was ever drawn for Mary Jones in the  
 Creek Nation from the Creek Indians? A No sir, not that I know of. We  
 was down in the Creek Nation at that time. I just heard that he drew.  
 Q You don't know it? A No sir.  
 Q Was Mary's name ever mentioned by the Creek authorities, to your  
 knowledge, as a citizen of the Creek Nation? A Not that I know of.  
 Q Were you ever a member of the Council? A No sir.  
 Q Do you know whether there was ever admitted to citizenship in the Creek  
 Nation by the Creek authorities or not? A Not more than I heard, not  
 that I know of.

Examination by Mr. Murphy:  
 Q You do know that told us that father was raised by his grand father?  
 A Yes sir, raised by his grandfather all his life till he came to be  
 his.  
 Q How many years did you know him till he was old when his grandfather  
 died? A I must have been 10 or 12 years old when his grandfather  
 died I am not  
 Q And when you were taken by his grandfather was he at that age? A Well, when  
 his father brought up through he must have been 4 or 5 years old.  
 Q Then father of him was your own father? A Yes sir.  
 Q And you and his mother his half brother and sister? A Yes sir.  
 Q Some father and sister? A Yes sir.  
 Q When father died, his grandfather, did he have been 20  
 years around or so? A No, he was exactly.  
 Q And he was up the hills? A Yes sir.  
 Q Of that time? A No, that was  
 Q Was he a Creek or Indian? A Yes sir.

Examination by Mr. Hall:  
 Q You say that it is to be of this application was admitted in the Chickasaw  
 Nation? A I believe so, I don't know for certain.  
 Q What ran to you in your mind? A Not that I know of, she is living  
 in the Chickasaw Nation.  
 Q Don't you know, she was up the river, whether she is or not? A No  
 sir.  
 Q Did you ever see her? A Not particularly, I have seen some that said  
 she was, I don't know it.

Q And two other children? A Yes sir.  
 Q Was she married twice? A I don't know sir.  
 Q Is the father of these two children the father of Mose? A I suppose so; you see, Mose here is the youngest child she has got; when my father brought her to us these other two children was older than Mose.  
 Q Why is it she enrolled herself and two other children in the Chickasaw Nation and Mose went to enroll in the Creek Nation? A Well, they had a rule; I suppose Mose wanted to have his enrolled here and they wanted theirs there. That might be it.  
 Q How old are these two children in the Chickasaw Nation? A I expect Mose is 17 or 18 and the girl is right close on to there; of course this is the youngest boy; I am just making a rough guess at it.  
 Q Well, they enrolled themselves-- these two down there? A I suppose so.  
 Q Did she always live in the Chickasaw Nation, the mother? A Yes sir, most of the time; only when she lived with this boy here in the Creek Nation; she stays back and forwards with her children.  
 Q Why hasn't he applied for her? A I don't know; I said him was here once and we didn't have sufficient proof and I suppose they never got it.  
 Q You don't know anything about whether he ever drew that money or not-- nothing of your own knowledge? A No sir.  
 Q He is a half nephew of yours? A His mother is a half sister of mine.  
 Q Do you know where his mother is today? A In the Chickasaw Nation.  
 Q She would know a good deal about this, wouldn't she? A I suppose so; she ought to.

Examination by Mr. Purphey:

Q What is her mental condition? A She's not right minded; she's nearly crazy; but my answer to him was that we could tell more about her children.

By Mr. Mott:

Q Are these two that's enrolled down there-- are they crazy? A No sir.  
 Q They are of good mind, are they? A Respectably good mind.  
 Q Average mind? A Yes sir.  
 Q They were raised with him? A Pretty much; with the exception of Mose.  
 Q They would know more about this boy than you? A No sir; they don't know any more about him than I do; I have known him ever since he was about 2 or 3 years old.

By Mr. Purphey:

Q Is it true or not that this boy was separated from his brother and sister about 2 or 3 years and took up his residence with his grandfather in the Creek Nation, and the other two lived somewhere else?  
 A Yes sir.

E. J. Brown being duly sworn testified as follows:

Examination by the Questioner:

Q What is your name? A T. J. Brown.  
 Q What's the "T" for? A Thomas Jefferson.  
 Q How old are you? A Fifty.  
 Q What is your post office address? A Wewoka.  
 Q Do you know Mose James? A Yes sir.  
 Q Are you a citizen of the Creek Nation? A No sir.  
 Q Seminole? A No sir, Indian Territory.  
 Q How long have you known Mose James? A About 17 years.  
 Q Where has he been living since you knew him? A He has been living the biggest part of his time from 2-1/2 or 3 miles from me.  
 Q In the Creek Nation? A Yes sir.

Q Do you know Viney Canard? A Yes sir.  
 Q How long have you known her? A We'll, I guess it might have been 9 or 10 years or maybe longer.  
 Q She lives in the Chickasaw Nation, does she? A I understand she does; since this boy married a Seminole woman and come down in the Seminole Nation about three or four years ago; she was with him then and since then she left for the Chickasaw I heard.  
 Q Did you know a brother of his named Ben? A No sir.  
 Q Do you know a sister of his named, Lucy? A No sir.  
 Q Do you know whether any money was ever drawn for Mose in the Creek Nation or not? A No.  
 Q You don't know of your own knowledge? A No sir.  
 Q Have you been informed that such is the fact? A Yes sir.  
 Q Who told you that? A Ben Nivens.  
 Q He is dead, is he? A Yes sir, got killed over at Okmulgee.  
 Q How long has he been dead? A I disremember the amount of years; but it was at the adjournment of the council, and he stated to me in his presence-- this boy was working for him at the time, and he was paying him wages and he said: "Mose, you want this pony of mine and I drewed this payment for you, and I will give you that much credit on it". He was to pay him \$55 for the horse; that's all I know.  
 Q Was that trade about the horse made before the payment was made or afterwards? A Afterwards.  
 Q How long afterwards? A Sometime afterwards; it was right the same session; the payment was off in Spring and this sometime that summer.  
 Q Do you know whether or not Melvina Canard is recognized as a citizen of the Chickasaw Nation? A I don't know.  
 Q You haven't heard anything of that? A No sir.  
 Q Do you know of anything else that will throw any light on this matter except what you have stated? A No sir, I don't think so.

Examination by Mr. Murphey:

Q Do you know whether this boy, Mose James, was reared by his grandfather? A No sir, I don't.  
 Q You didn't know him then? A No sir.  
 Q How old was he when you first knew him? A I suppose he was a young man; maybe 16 or 17 or 18 or maybe 20.  
 Q You have known him how many years? A 16 or 17.  
 Q He has lived in that time in what Nation? A In the Creek Nation; biggest part of the time; just a while since he has been over in the Seminole.

Examination by Mr. Nott:

Q Who was this party you say the horse trade took place with? A Ben N. Nivens.  
 Q When was that? A That was along in the first part of summer or the latter part of spring, after the \$14 payment.  
 Q When was the \$14 payment? A It was along in the winter; I forget the date; I kept no memory of these things; there was no such thing as the \$14 before that; I always have an object in point.  
 Q What did you say Nivens told him? A Told him: "Mose, you been wanting this pony and I let you have him and I drewed your head right for him and I will give you credit for that much and you work out the balance."  
 Q What did you mean by head right? Did that mean the \$14 payment?  
 A Yes sir, it means his head right payment; that's per capita, giving it by the head.  
 Q That's the way he expresses it? A Yes sir.  
 Q Just said "I drew your head right"? A Yes sir.  
 Q Didn't state how much it was? A Yes, said \$14.  
 Q Did he say \$14? A He had the knowledge before he said it and I will give you credit.  
 Q State the amount he give him credit for. A He give him \$14 and some



cents; 14.40 or 14 forty something.  
 Q What did Mese say to that? A Said: "All right, Mr. Hivens".  
 Q That's all you knew about it? A Yes sir.  
 Q You don't know whether he was on the rolls or not? A No sir.  
 Q Do you know his brother and sister? A No sir.  
 Q You have known his mother about 9 or 10 years? A Yes sir.  
 Q They are in the Chickasaw Nation? A I think so; they are not in the Creek or Seminole; in the Chickasaw or Choctaw, one.

Aaron Jackson being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Aaron Jackson.  
 Q How old are you? A About 30.  
 Q What is your post office address? A Wewoka.  
 Q Are you a citizen of the Creek Nation? A No sir.  
 Q Of the Seminole? A No sir.  
 Q State man, are you? A Yes sir.  
 Q Do you know Mose James? A Yes sir, I know him.  
 Q How long have you known him? A About 15 years.  
 Q Do you know whether he ever drew any money from the Creek Nation, or not? A No sir, I don't.  
 Q Do you know his mother? A Yes sir, I know his mother.  
 Q How long have you known her? A I can't say; mighty near since I knowed him; she stayed with him a while.  
 Q How far do you live from Mose? A Well, at the time I first got acquainted with him a good ways from him but now we lived about 2 miles apart.  
 Q Was Mose's mother generally considered up in that country as a citizen of the Chickasaw Nation, or do you? A I don't know just what nation she was a citizen of, but they were living in the Creek Nation; I thought they were Creeks.  
 Q Do they now live in the Chickasaw Nation? A Yes sir.  
 Q How long has she been living there now? A I can't say exactly; two or three years I guess.

Henry G. Maine being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Maine.

Subscribed and sworn to before me this 19th day of August, 1904.

Charles H. Sawyer  
 Notary Public



No. 806.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mose James as a Creek Freedman.

- I N T A T I M E N T -

The records of the Commission examined and Melvina Canard, mother of said Mose James, is identified on the partial list of Choctaw Freedmen, approved by the Secretary of the Interior, September 26, 1903 Roll No. 2198, as Vinie Williams.

The records of the Commission further examined and the name of her son Ben Stevenson is found in the partial list of Choctaw Freedmen, approved by the Secretary of the Interior, June 21 1903, Roll No. 2164.

  
Chairman.

Muskogee, Indian Territory.  
August 31, 1904.

9869  
En. 605.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-101-

In the matter of the application for the enrollment of  
Mose James as a Creek Freedman.

-1 DECISION:-

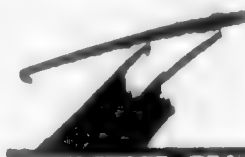
The record in this case shows that on August 11, 1904,  
Mose James appeared before the Commission at Muskogee, Indian Terri-  
tory, and made application for enrollment as a Creek Freedman.

The evidence shows that the applicant herein was about  
Thirty-three years old at the date of the application herein and  
that he is not the descendant of a person whose name is found on the  
Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867.

It does not appear that the applicant herein has ever been  
enrolled as a citizen of the Creek Nation, nor does it appear that  
he has ever been admitted to citizenship in said Nation by the Creek  
tribal authorities, the Commission to the Five Civilized Tribes, or  
the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there  
is no authority of law for the enrollment of said Mose James as a  
Creek Freedman, and that the application for his enrollment as such,  
should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

FEB 2 1905

605 JH/3

Muskogee, Indian Territory, August 22, 1904.

Commission to the Five Civilized Tribes,  
Choctaw-Chickasaw Enrollment Division.

Gentlemen:

On August 11, 1904, Mose James appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Creek Freedman. A copy of the testimony is inclosed.

It appears from the evidence then submitted that Melvina (or Viney) Canard, the mother of said applicant, is now residing in the Chickasaw Nation.

You are directed to advise the Creek Enrollment Division whether application was ever made for the enrollment of said Mose James or said Melvina Canard as citizens of the Chickasaw Nation, and if so, what disposition has been made of the same.

Respectfully,

Chairman.

HCH-4-22-8.

COPY.

Creek An 605

Muskogee, Indian Territory, February 4, 1905.

Mose James,

Mowoka, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*Tams Dixey.*  
(SIGNED)

Chairman.

Register.  
JYM-4-30.

COPY.

Creek 2n 606

Muskogee, Indian Territory, February 4, 1906.

G. A. Murphy,

Attorney for Rose James,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Rose James as a Creek Freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Very

Samuel Dixey.

Chairman.

COPY.

Creek an 605

Muskogee, Indian Territory, February 4, 1905.

M. L. Mott,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Mose James as a Creek Freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(Signed)

*Tamc Birby.*  
Chairman.

JY. 4-32.



COPY.

Creek An 606

Muskogee, Indian Territory, February 4, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Rose James as a Creek Freedman, including the decision of the Commission, dated February 2, 1906.

Respectfully,

*James D. Wiley.*

Chairman.

Through the  
Commissioner of Indian Affairs.

JYK-4-33.

Refer in reply  
to the follow-  
ing: Land  
11247-1905

(Copy)

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

WASHINGTON, February 15, 1905.

The Honorable.

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 4, 1905, transmitting the record of the application for enrollment as a Creek Freedman by Rose James.

February 2, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant was about thirty three years of age at the date of the application; that he is not the descendant of a person whose name is found on the Dunn Roll and that he has never been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record, the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully.

C. F. Larrabee,

Acting Commissioner.

M. M. M.

Washington, Indian Territory, March 3, 1908.

Washita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of March 2, 1908, in which you ask if Moss E. James has been enrolled as a citizen of the Creek Nation and if he may now file.

In reply you are advised that the matter of the application for the enrollment of Moss E. James as a citizen of the Creek Nation is now before the Secretary of the Interior. When final action is had in the matter the parties in interest will be fully notified.

Respectfully,

Commissioner in Charge.

Or in 605

Muskogee, Indian Territory, June 7, 1906.

Aaron Jackson,

Nowata, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of June 3, 1906, relative to the application for the enrollment of Mose James as a citizen of the Creek Nation.

In reply you are again advised that the matter of the application for the enrollment of Mose James as a citizen of the Creek Nation is pending before the Secretary of the Interior. When final action is had in the matter, the parties in interest will be duly notified.

Respectfully,

Commissioner in Charge.

(Copy)  
DEPARTMENT OF THE INTERIOR,

J.R.W.  
W.O.P.  
S.V.P.

Office of the Assistant Attorney General

I.T.D. )  
2232, 3085, ) 1905  
3087, 5561, )

Washington. August 31, 1905.

The Secretary of the Interior.

Sir:

I received by reference of June 19, 1905, the record in the case of Mary Ann Riley and others, applicants for enrollment as Cherokee freedmen, with request for my opinion "whether the applicants in said case are entitled to enrollment."

The applicants are Mary Ann Riley, born about 1820, her daughter, Mary Hazelrig, nee Riley, born about 1855, for herself and minor children William A., Jesse, Lacy, Alexander, Joseph E., James M. T., James L. and Fred; Mary Brown, nee Hazelrig, for herself and minor children Robert Lee and George R. The Commission to the Five Civilized Tribes found that:

Mary Ann Riley and Mary Hazelrig are mother and daughter, and were the slaves of a Cherokee citizen at the commencement of the Rebellion; that they were taken out of the Cherokee Nation during said Rebellion, and did not return thereto and establish a residence therein, within the time specified in the decree of the Court of Claims, rendered February 3, 1896, in the case of Moses Whitmire, trustee, &c. vs. The Cherokee Nation et al., for the return of Cherokee freedmen to said Nation. The other applicants herein are children and grandchildren of the applicant Mary Hazelrig, were born since 1866 and possess no rights to enrollment other than as descendants of the said Mary Hazelrig. None of the applicants herein can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896.....The applications.....should be denied..... it is so ordered.

The applicant Mrs. Riley is identified on the Kerns-Clifton roll and Mrs. Hazelrig on that roll and the Wallace roll of freedmen. The Indian Office recommend approval of the action of the Commission. Counsel for applicants make no contention upon the facts as found by the Commission. I therefore accept them as true for the purposes of this opinion.

Counsel, however, contend that by their enrollment upon the Kerns-Clifton roll--

These people were judicially declared to be citizens of the Cherokee Nation and freedmen; they were judicially declared to be entitled to all the rights which they got under the treaty of 1866. It was the valid judgment of the Court saying that they had brought themselves under the provisions of that treaty, and were entitled to all rights and privileges of it, and therefore that the Cherokee Nation and the United States were forever enjoined from keeping them out of the provisions of such treaty. The only exception made was that the person who should make application to go on the roll should not have forfeited or abjured his citizenship at the date of the entering of the decree. Not only was this roll made and entered under the decree of the Court and approved by the Secretary of the Interior, but the Cherokee Nation was a participant in its making. Its representative was present, cross-examined witnesses, with the amplest opportunity of presenting testimony, and contesting the rights of every person claiming to be entitled as a freedman to citizenship and rights of the Cherokee Nation. It is therefore estopped in contesting the right of the claimants to share in the lands and moneys of the Cherokee Nation.....

We do not believe therefore that Congress intended by the Cherokee treaty to go behind that roll, but even if it did, Congress could not disturb the judgment of that Court.

The reference is to the adjudication in the case of



Whitmire, Trustee, v. The Cherokee Nation (30 S.Ct., 138, and 180-196). Jurisdiction was conferred upon that court by the act of October 1, 1890 (26 Stat., 636), among other things--

to hear and determine what are the just rights in law or in equity of the.....Cherokee freedmen, who are settled and located in the Cherokee Nation under the provisions and stipulations of article nine of the aforesaid treaty of eighteen hundred and sixty-six, in respect to the subject-matter herein provided for.

Sec. 2. That the said.....freedmen shall have a right.....to begin and prosecute a suit or suits against the Cherokee Nation and the United States Government to recover from the Cherokee Nation all moneys due either in law or equity and unpaid to the said.....freedmen, which the Cherokee Nation have before paid out, or may hereafter pay, per capita, in the Cherokee Nation, and which was, or may be, refused to or neglected to be paid to the said.....freedmen by the Cherokee Nation, out of any moneys or funds which have, or may be, paid into treasury of, or in any way have come, or may come, into the possession of the Cherokee Nation, Indian Territory, derived from the sale, leasing, or rent for grazing purposes on Cherokee lands west of ninety-six degrees west longitude, and which have been, or may be, appropriated and directed to be paid out per capita by the acts passed by the Cherokee council, and for all moneys, lands, and rights which shall appear to be due to the said.....freedmen under the provisions of the aforesaid articles of the treaty.

This was a jurisdiction to determine the rights in the common tribal property of the freedmen as a class, and neither in terms nor by necessary implication did it extend to determination of what particular persons composed and constituted such class or who were freedmen.

May 8, 1895, in its opinion (30 C.Cl., 185), the court after discussion said: "The court therefore takes the Wallace

roll as furnishing the true number for the freedmen, 3524, "but this was to be corrected (ib., 188), by exclusion of the dead and of those who had ceased to be citizens and by adding descendants born after March 3, 1883, and prior to May 3, 1894. and "when thus amended and changed it shall represent the freedmen entitled to participate in the fund." In the decree (ib., 193), it was adjudged that the "freedmen and free colored persons aforesaid and their descendants are entitled to participate hereafter in the common property of the Cherokee Nation," &c. This decree was annulled and another by consent was entered (6th Ann'l Rep. Commission to the Five Civilized Tribes, page 70), with a paragraph in substantially the same terms, but the basis adopted was the Cherokee freedmen's roll of 1880, prepared by the tribal authorities. That roll was to be corrected by a commission appointed by the Secretary of the Interior, one member of which was nominated by the Cherokee Nation. The Kerns-Clifton roll was prepared by this Commission. There was no provision for review by the court of the proceedings of this commission by appeal or exceptions. On the contrary, this commission was directed to report its roll, not to the court, but to the Secretary of the Interior, and when it was approved by him the fund in control of the court was to be paid to the persons borne on that roll.

The effect of an adjudication of right of citizenship

to the persons borne on the Kerns-Clifton roll can be maintained only on the theory that the court delegated its judicial powers to the Commission and the Secretary of the Interior. A mere statement of this proposition refutes the contention. That a court can not delegate its judicial power is a fundamental proposition needing no citation of authority. The right of persons on the Kerns-Clifton, not borne on the Cherokee 1880 freedmen roll, was never in any sense adjudicated. As to them the Kerns-Clifton enrollment was an administrative proceeding or act simply. It being a purely administrative proceeding, remained subject to revision and correction in any manner then or thereafter provided by law.

The court in *Whitmire v The Cherokee Nation*, *supra*, as part of its original and final decree, defined the class of persons whose rights were thereby established and who were to be enrolled by making reference to article nine of the treaty of July 19, 1866.--

with respect to the rights of said freedmen who had been liberated by voluntary act of their former owners or by law, and all free colored persons who resided in the Cherokee country, at the commencement of the rebellion and who on the said date resided therein, or who returned thereto within six months thereafter, and their descendants; . . . . . It being understood that the freedmen and their descendants and free colored persons above referred to shall include only such persons of said class as have not forfeited or abjured their citizenship of said Cherokee Nation at the date of the entering of this decree.

Except in punctuation the definition of the class of

persons was clearly intended to be a substantial quotation (in past tense) of that in article nine of the treaty, so that the treaty provision itself was given to the Commission as guide for its action, restricted by the added direction as to forfeiture and abjuration of Cherokee citizenship. Having this precept as a limitation on its powers, the enrollment of other persons not within the class so defined was in excess of the powers of the Commission and never sanctioned by the court.

The difference of punctuation above noticed and any construction founded on the punctuation of article nine of the treaty, is in the present case immaterial. It is unnecessary to re-enter into a discussion of the proper construction of this provision of article nine of the treaty, heretofore fully considered in my opinion of March 22, 1904, and in that of May 9, 1905, in case of Burrell Daniels. If the six months' period was applicable to this class, the applicants, as the Commission find, did not comply with it; if it was not applicable, they were merely made Cherokee citizens by the treaty, with "all the rights of native Cherokees," and became at once liable--without benefit of a six months' period--to operation of section 2 of article one of the Cherokee Constitution, if they settled and became legally domiciled at Lawrence, Kansas. If either state of facts be conceded to be true, it, in my opinion, follows that

the Kerns-Clifton Commission exceeded its powers in assuming to grant their enrollment.

That enrollment having been, as above shown, an administrative act, and not a judicial one, was subject to review and correction in any manner that Congress should by law direct. The act of June 28, 1898 (30 Stat., 495, 502), directed the Commission to the Five Civilized Tribes that:

It shall make a roll of Cherokee freedmen in strict compliance with the decree of the Court of Claims rendered the third day of February, eighteen hundred and ninety-six.

Congress confirmed some Indian tribal rolls. It might as easily have confirmed the Kerns-Clifton roll, and naturally would have done so had it regarded that roll as either an adjudication of right or even only an accurate roll. Instead of so doing, it directed compilation of a roll in strict compliance with the terms of the decree. This implies that Congress did not regard the Kerns-Clifton roll as made in compliance with that decree, else it would have confirmed that roll, as it did the tribal roll of 1880.

If the facts were conceded to be as stated in the findings, it would follow that the Commission acted in strict compliance with the direction given by Congress in the act of 1898, ~~supra~~. It is represented, however, that in fact Tom Riley returned to the nation in 1866, and some evidence in the

--8--

record is to the effect that he left Kansas with the announced intention of returning to the nation as early as February, 1866, before the date of the treaty. Since reference of the case to me a further paper is filed on behalf of the applicants in the nature of an application for rehearing which, among other things, represents--

that Tom Riley never established a home or owned any land elsewhere than the place of his early associations, to wit, in the Cherokee Nation, where he was a Cherokee slave.....that the testimony adduced at the original trial tending to show that Tom Riley resided in the State of Kansas during the years after he returned to the Indian Territory in the fall of 1866 was procured by undue influence and improper inducements.....that the case was not properly presented to the Dawes Commission and was hurriedly prepared without time for careful consideration and preparation, and also by reason of the dense ignorance of the applicants.

It is within the discretion of the Secretary, and entirely proper for him to grant such application.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-General.

Approved, August 31, 1905:

THOS. RYAN,  
Acting Secretary.



In 605

Muskogee, Indian Territory, December 8, 1906.

H. L. Mott,

Attorney for the Creek Nation.

Muskogee, Indian Territory.

Sir:

At the request of Carroll S. Bucher, attorney for Mose James, the rehearing in the matter of the application for the enrollment of said Mose James as a citizen of the Creek Nation is set for January 12, 1906, at 10 o'clock, a. m.

Respectfully,

Acting Commissioner.

Mustagee, Indian Territory, February 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

On November 17, 1906 (I.T.D.1690-1906), the Department reversed the decision of the Commission to the Five Civilized Tribes, dated February 2, 1905, in the matter of the application for the enrollment of Mose James as a Creek freedman and directed that further testimony, if possible, be obtained before final action was had in the above entitled cause.

In accordance with said instructions, the Commissioner notified the applicant and the attorney for the applicant of the action of the Department and set December 10, 1906, for a hearing. On December 12, 1906, upon the request of the attorneys for Mose James, a continuance of the case was granted until

Secretary 2.

January 12, 1906. Notwithstanding the request for continuance was granted, no further evidence was introduced in this case.

It is not established by the evidence nor by the records in the possession of this office that said Mose James is the descendant of a person whose name appears upon the roll of Creek freedmen made by J. W. Dunn prior to March 14, 1867; that the name of the applicant appears upon any other of the Creek tribal rolls; that he has ever been admitted to citizenship in the Creek Nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), or by the United States Court in Indian Territory on appeal.

The entire record in this case is returned herewith, together with decision denying the aforesaid application for enrollment.

Respectfully,

Through the Commissioner  
of Indian Affairs.

Commissioner.

AG-9-1

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Mose James as a Creek Freedman.

DECISION.

The record in this case shows that on August 11, 1904, Mose James appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for enrollment as a Creek freedman. On February 2, 1905, the Commission rendered a decision denying said application for enrollment. On November 17, 1905, the Department reversed the decision of the Commission and directed that further testimony, if possible, be obtained before final action in the above entitled cause.

The record further shows that the Commissioner in compliance with said Departmental instructions notified the attorney for the Creek Nation, the applicant and the attorney for the applicant of the action of the Department and set December 12, 1905, for a hearing in pursuance of said instructions. On December 5, 1905, the Commissioner granted the request of the attorneys for Mose James for a continuance of the case until January 12, 1906.

The records in the possession of this office fail to show that any further evidence has been submitted in the above entitled cause.

The evidence in this case shows that the applicant was about thirty-three years old on August 11, 1904.

The records in the possession of this office fail to show that the said Mose James is a descendant of a person whose name appears on the roll of Creek freedmen made by J. W. Dunn prior to 1867 or that the said applicant has ever been admitted to citizenship by the Creek tribal authorities, the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), or the United States Court in Indian Territory, on appeal, or that his name appears upon any Creek tribal roll.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of the said Mose James as a Creek freedman and the application for his enrollment as such is accordingly denied.



Commissioner.

Muskogee, Indian Territory,

DEC 11 1905

Cr. No. 608.

Muskogee, Indian Territory, February 11, 1907.

Mose James,

Wewaka, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LX-10.

Cr. No. 608.

Muskogee, Indian Territory, February 11, 1907.

G. A. Murphy,

Attorney for Mose James,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Mose James, a a a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-11.



Gr. In. 808.

Muskogee, Indian Territory, February 11, 1907.

M. L. Nett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Mose James, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

IM-12.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.P.  
O.K.

LMS I.T.D.

5706, 5722, 5792, 5794-1907.  
5814, 5816, 5828, 5830-1907.  
5832, 5836, 5840, 5856-1907.  
5862, 5868, 5872, 5874-1907.  
5882, 5884, 5966-1907.

March 2, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed.

Title of Case.	Date of your Letter of Transmittal.
Easter Walker,	January 11, 1907.
Julia Cornelius, et al.,	January 28, 1907.
Paul Bowers,	February 11, 1907.
Moses Vaughan (Freedman),	February 11, 1907.
Charles Clark,	February 9, 1907.
Johnny Garwile (Freedman),	February 9, 1907.
Jack and Alice Bell (Freedmen),	February 9, 1907.
Yar-mah-lee et al. (deceased),	February 9, 1907.
Mary Burl (Freedman)	February 11, 1907.
Annie McClelland and Mitchell Cox,	February 9, 1907.
Alvin Smith (deceased) (Freedman),	February 9, 1907.
Isaac and Ethel Grayson (Freedmen),	February 9, 1907.
William B. Self et al.	February 11, 1907.
Annie Morgan (Freedman)	February 9, 1907.
Bennie Griffin (Freedman),	February 11, 1907.
Moss James. (Freedman),	February 9, 1907.
Dan Campbell (Freedman),	January 26, 1907.
Josie Wofford,	February 9, 1907.
Daniel Gray, deceased,	February 11, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

19 inc. and 38 inc.  
for Ind. Of.

APM  
3-2-07.

Refer in reply to the following:  
Land 15071-1907.

COPY

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed record of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Mose James as a Creek freedman. Commissioner Bixby reports that the record in the case shows that on August 11, 1904, Mose James appeared before the Commission to the Five Civilized Tribes at Muskogee, and made application for enrollment as a Creek freedman; that on February 2, 1905, the Commission rendered a decision forwarding the application for enrollment; that on November 17, 1905, the Department reversed the decision of the Commission and directed that further testimony be obtained, if possible, before final action in the case; that the record further shows that the Commissioner, in compliance with Departmental instructions, notified the Attorney for the Creek nation, the applicant, and his attorney, of the action of the Department, and set December 12, 1905, as the time for hearing in pursuance of such instructions, and that the records in his possession fail to show that any further evidence has been submitted in the case.

He also reports that the evidence shows that the applicant was about 33 years old on August 11, 1904; that the records in the Commissioner's possession fail to show that Mose James is a descendant of a person whose name appears on the roll of Creek freedmen made by J. W. Dunn prior to 1867, or that the applicant has ever been admitted to citizenship by the Creek tribal authorities, the Commissioner to the Five Civilized Tribes or the United States Court, or that his name appears on any Creek tribal roll. He therefore on February 11, 1907, determined that Mose James was not entitled to enrollment and rejected him. The record shows that Mose James has never been enrolled or recognized as a freedman of the Cherokee Nation, and for that reason it is recommended that the decision of the Commissioner be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner

EBH-Y

Cr. No. 605

CM

Muskogee, Indian Territory, March 11, 1907.

G. A. Murphy,

Attorney for Mose James,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 11, 1907, denying the application for the enrollment of Mose James as a Creek freedman.

Respectfully,

Commissioner.

Cr. En. 605.

CM

Muskogee, Indian Territory, March 11, 1907.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 11, 1907, denying the application for the enrollment of Mose James as a Creek freedman.

Respectfully,

Commissioner.



Gr. No. 608.

CM

Muskogee, Indian Territory, March 11, 1907.

Mose James,

Wewahatche, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 8, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 11, 1907, denying the application for your enrollment as a Creek freedman.

Respectfully,

Commissioner.

CR EN 606

see EN 322

CR EN 606

CR EN 607

CR EN 607

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUNDOOGE, I.T. AUGUST 6, 1904.

In the matter of the application for the enrollment of Clarence  
Grayson, deceased, as a citizen by blood of the Creek Nation.

APPEARANCES: H. T. Mott, Attorney for Creek Nation.  
O. D. Rogers, Attorney for applicants.

Betty Adams being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Betty Adams.  
Q How old are you? A About 35.  
Q What is your post office address? A Okmulgee.  
Q Do you make application for the enrollment of Clarence Grayson as a  
citizen by blood of the Creek Nation? A Yes sir.  
Q Is he living or dead? A Dead.  
Q Are you the mother of Clarence Grayson? A Yes sir.  
Q What is the name of his father? A George Grayson.  
Q Were you and George Grayson ever married? A No sir.  
Q When was Clarence Grayson born? A In August.  
Q What year? A I don't know that.  
Q You don't know the year? A No sir, I don't know the year.  
Q When did he die? A In March.  
Q What year? A I don't know, that's something I don't know.  
Q How old was he when he died? A Nine months old.  
Q Have you a child named Mahala? A Yes sir.  
Q Which was born first, Mahala or Clarence? A Clarence.  
Q Was Clarence dead when Mahala was born? A Yes sir.  
Q How long had he been dead? A About a year and a half.  
Q When was Mahala born? A She born in January.  
Q What year? A That's what I don't know, those years.  
Q How old was she? A When she died?  
Q Is Mahala dead? A Yes sir.  
Q How long has she been dead? A About 2 and a half years. I filed for  
her.  
Q How old was she when she died? A A year and a half.  
Q When did Mahala die? A In August.  
Q How old was she when she died? A A year and a half.  
Q How long has Clarence been dead? A About five years now I guess.  
Q How long has Mahala been dead? A About three years.  
Q Did you come to file on your land in the Creek Nation when you filed  
for yourself, did you file on your own land? A Yes sir.  
Q Was Clarence living then or dead? A No sir, he was dead.  
Q How long had he been dead, do you remember? A It wasn't quite a year;  
I filed when the land office opened at Okmulgee.  
Q That was when you filed for yourself? A Yes sir.  
Q Then you afterwards filed for your children? A Yes sir.

The records of the Commission show that a citizenship certificate  
was issued to Betty Adams October 10, 1899. An affidavit executed by Betty  
Adams May 30, 1901, on file with the Commission states that her child,  
Mahala Grayson was born March 23, 1901.

It appears from the records of the Commission that on October 10,  
1899 Betty Adams appeared before the Commission and made application for  
the enrollment of herself and four children; in the course of her exam-  
ination under oath, the following questions were asked her and answers

Given:

- Q Did you have any other children? A I had one; he died.  
Q What was his name? A Clarence.  
Q When did he die? A Last March.  
Q This last March; you don't know what date in March? A No sir."

A copy of the evidence in that case is made part of the record herein.

Examination by Mr. Rogers:

- Q Do you know positively what month that child died? A Of course; yes sir; it was in March.  
Q In what year? A I don't know what year.  
Q Did you have a doctor with that child? A Yes sir, Dr. Hall.  
Q Where does Dr. Hall live? A Okmulgee.  
Q Is he living there now? A Yes sir.  
Q Did you have a funeral service there? A Yes sir.  
Q Who preached the service? A Corbrey Hill.  
Q Is he living? A Yes sir.  
Q Where? A Ball Creek.  
Q Did you keep any record of its death? A No sir.  
Q When you made this application, was anything spoken of pulled to the time of its death? A No sir.  
Q Why did you testify that the child died in March? A I state it now.  
Q For what reason do you say it died in March? A I don't know it died in March, cause they said it was March when it died.  
Q Who said it? A My brother.  
Q As a matter of fact, do you know it was March, or is that what your brother said? A Yes sir.  
Q Why do you state that it was in March; did you look at the calendar?  
A Yes sir.  
Q Could you read it? A Yes sir, I can read; I can't write.

By the Commission:

The applicant will be allowed thirty days in which to introduce further testimony in this case.

An affidavit heretofore filed relative to the death of Clarence Graham is made part of the record herein.

Henry G. Hains being duly sworn on his oath, deposes that he photographed to the Commission to the five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his photographs noted in same.

Henry G. Hains.

Subscribed and sworn to before me this 19 day of August, 1904.

Charles J. Sawyer

Notary Public.

2. 2.  
MH, 007,

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Clarence Grayson, deceased, as a citizen by blood of the Creek Nation;

REPORT

The record in this case shows that on August 8, 1904, Betty Adams appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Clarence Grayson, deceased, as a citizen by blood of the Creek Nation.

Proceedings in the matter of the application for the enrollment of Betty Adams and her children were had at Muskogee, Indian Territory, October 10, 1900, and a copy of the testimony in that case is made part of the record herein.

At the conclusion of the testimony of August 8, 1904, the applicant was granted thirty days in which to introduce further evidence. No further evidence has been offered.

The evidence shows that said Clarence Grayson, deceased, died prior to April 1, 1890.

It is, therefore, the opinion of this Commission that there is no authority of law for the enrollment of said Clarence Grayson, deceased, as a citizen by blood of the Creek Nation and that the application for his enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Chairman  
  
Commissioner

Muskogee, Indian Territory

FILED



CR. En 607

Muskogee, Indian Territory, February 26, 1906.

Metty Adams,

Okmulgee, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your deceased minor child, Clarence Grayson, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Sincerely,

Chairman.

cc: Bureau.  
JPM: 1-4.

HEX  
OF KN 607

Muskogee, Indian Territory, February 23, 1905.

M. L. Mott,  
Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Clarence Grayson (deceased) as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully.

Chairman.

JYK-E3-1b.

2431  
OF AN 607

WINNEMAN, Indian Territory, February 22, 1908.

THE HONORABLE,

THE SECRETARY OF THE INTERIOR,

Sir:

There is herewith transmitted the report of proceedings in  
the matter of the application for the enrollment of WINNEMAN  
as a citizen of the United States, including the decision of the  
Commissioner, dated February 22, 1908.

Very truly,  
Yours,

Through the  
Commissioner of Indian Affairs,  
JYALB3-161

En 607

I.T.D. 2306-1906.

WOT.  
FHM.

LAM.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, April 15, 1906.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

February 23, 1906, you transmitted the record in the matter of the application for the enrollment of Clarence Grayson (deceased) as a citizen by blood of the Creek Nation, including your decision of February 20, 1906, which was adverse to the applicant.

Reporting March 7, 1906, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Theo. Ryan,  
Acting Secretary.

1 inclosure.

En 607  
Refer in reply to the following:  
Land 16837-1906..

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS.

WASHINGTON, March 7, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 23, 1906, transmitting the record of the application for enrollment as a citizen by blood of the Creek Nation by Bettie Adams for her minor child, Clarence Grayson, deceased.

February 20, 1906, the Commission decided adversely to the applicant.

The record shows that Clarence Grayson died prior to April 1, 1899.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C.F. Jarrabee,

Acting Commissioner.

M.M.M.

W.

Q. 21.

Gr. No. 807.

Muskogee, Indian Territory, April 22, 1906.

Bettie Adams,

Ocmulgee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of April 12, 1906, affirms the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Clarence Bryson, neeson, as a citizen by blood of the Creek Nation.

Respectfully,

CHAS. H. HARRIS.



*D. al,*  
CP. En: 889.

Muskogee, Indian Territory, April 22, 1905.

M. L. Mott,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir,

You are hereby advised that the Secretary of the Interior, under date of April 12, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application of Nettie Adams for the enrollment of her minor child, Clarence Grayson, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

CR EN 605

CR EN 608

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 10, 1904.

In the matter of the application for the enrollment of Simon Walker as a citizen by blood of the Creek Nation.

APPEARANCES: M. L. Mott, attorney for Creek Nation.

James Smith being duly sworn testified as follows, through Alex Posey, official interpreter:

Examination by the Commission:

- Q What is your name? Age and post office address? A James Smith; I don't know my exact age, but I am probably 66.
- Q What is your post office address? A Carson.
- Q To what town in the Creek Nation do you belong? A Pukon Tallahassee.
- Q Are you a member of the Creek National Council? A Yes sir.
- Q Which house? A House of Kings; at present Chairman of the House of Kings.
- Q Do you know Simon Walker? A Yes sir.
- Q Is he a full blood Creek Indian? A Yes sir.
- Q What is the name of his father? A Mickey Smith.
- Q Is he living? A Yes sir.
- Q About how old is Simon? A I don't know his age.
- Q Is he a grown man? A About that high.
- Q Just a boy is he? A Yes sir; about that high; I have been under the impression all the time that he had been enrolled and got his allotment.
- Q What is the name of Simon's mother? A Ikey. Interpreter says he means Argie).
- Q Is Simon living? A Yes sir.
- Q Did you ever know anybody else by the name of Simon Walker? A He says there are quite a number of Walkers in my town and many of them have died.
- Q Well, was any of them named Simon except this boy? A This boy is the only Simon Walker that I ever knew of.
- Q Did you know Echo Harjoche? A Yes sir.
- Q Do you know Dandy Walker? A Yes sir.
- Q Are Dandy and Simon brothers? A Simon is the child of Dandy's sister.
- Q Did Dandy have any brothers? A He had a brother by the name of John Simon who is now dead.
- Q Did he have any brother? A No sir.

The 1890 authenticated tribal roll examined and the name of Simon Walker found thereon at page 179, Pukon Tallahassee town, in the family of Echo Harjoche, and in that family is also found the name of Ikey Walker, which has heretofore been identified by the Commission as Argie Smith.

- Q Tell us about how old that boy is? A He says he is a goodly stout boy.
- Q Is he as much as 10 years old? A Yes sir; he talks well.

It is not believed that the person whose name is found on the 1890 roll is identical with the Simon Walker herein applied for. A notation opposite the name of Simon Walker on the 1890 roll indicates that he is dead.)

Henry G. Hains being sworn on his oath states that as stenographer to

222

the Commission to the New Orleans Times in February the above and  
and that this is a full, true and correct transcript of the stenographic  
notes in hand.

Henry A. Kaine.

Subscribed and sworn to before me this 16th day of August, 1906.

Charles E. Kaine

Notary Public.

36.7

En: 608.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Okmulgee, I. T., October 18, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Simon Walker as a citizen by blood of the Creek Nation.

ECHO HARJOCH, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

- Q What is your name? A Echo Harjoche.  
Q How old are you? A Born before the Civil War.  
Q What is your post office address? A Hannah, I. T.  
Q Did you ever know any body by the name of Simon Walker? A Yes, sir.  
Q What was the name of his father? A Sam Simmer.  
Q What was the name of his mother? A Melissa (or Melosa)  
Q Was Simon any relation to you? A First cousin.  
Q Did he ever live in your family? A No, sir.  
Q Do you know Dandy Walker? A That is him (pointing to a young man, who is present)  
Q Is Simon living or dead? A Been dead a long time.  
Q About how long? A He died two years after the Spikeche War.  
Q Was that before the Creek Land Office opened? A A long time before.  
Q Did he ever have a brother named John? A Yes, sir. The brother of this boy here. (pointing to young man heretofore referred to)  
Q Do you know Micca Smith? A Yes, sir.  
Q Did he ever have a boy named Simon? A He had a boy named Sama.

JAMES SMITH, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

- Q What is your name? A James Smith.  
Q You came to Muskogee and gave some evidence about a child of Micca Smith named Simon. You were not referring to this boy, Simon Walker? A No, sir.

Echo Harjoche recalled:

By Commission:

- Q Is that boy living? A Dead.  
Q Do you know whether they have filed on land for him or not? A The boy that is dead was known as Sama. Micca's son was known as Sam Smith. I don't know whether land has been filed for this boy.  
Q Was Sam Smith and this dead boy, Simon Walker, were they any kin? A Sama was an uncle of Sam Smith.  
Q Is Aggie Smith the mother of Sam Smith? A Yes, sir.  
Q What kin was Simon Walker to Aggie Smith? A Simon was a brother of Aggie Smith. Micca Smith married Aggie and Sam was born to them.

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said case on said date.

Subscribed and sworn to before me this 18 day of October 1904.

*Charles H. Sawyer*  
Notary Public.

CR EN 609

CR EN 609



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 10, 1904.

In the matter of the application for the enrollment of Manny Robinson as a Creek Freedman.

Manny Robinson being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Manny Robinson.  
Q How old are you? A Thirty-five.  
Q What is your post office address? A Dayton.  
Q Where do you live? A On Cloud Creek.  
Q In the Creek Nation? A Yes sir.  
Q How long have you lived in the Creek Nation? A 18 years.  
Q Where did you come from? A Texas.  
Q Did you live in the State of Texas all your life until you came to the Creek Nation 18 years ago? A Yes sir.  
Q What is the name of your father? A Joe Robinson.  
Q Do you claim he is a citizen of the Creek Nation? A No sir.  
Q State man? A Yes sir.  
Q What is your mother's name? A Betsey Robinson.  
Q Living or dead? A She's dead.  
Q How long has she been dead? A About 18 years.  
Q Did she die in Texas? A Yes sir.  
Q To what town in the Creek Nation do you claim to belong? A My grandmother I believe was of the Arkansas; I believe.  
Q Was your mother taken out of the Creek Nation during the war? A Yes sir.  
Q During slavery time? A Yes sir.  
Q Taken to Texas? A Yes sir.  
Q Did she ever come to the Creek Nation? A Yes sir.  
Q When? A I don't know; I was quite a boy.  
Q Did you come with her? A I must have; I was a small chap.  
Q Did your father come with her? A No sir, he didn't come.  
Q Was she ever back here more than once after she was taken to Texas? A No sir.  
Q Did you ever draw any money from the Creek Nation? A No sir.  
Q Did you ever make application to be admitted to citizenship in the Creek Nation? A No sir; well, I made a little application once at Okmulgee; that was to the lawyer there; I don't know whether he went to Dixie with it or not; to Sam Haynes; I know I talked with him and he said he was going to go.  
Q Were you ever called by any other name except by Manny Robinson? A I used to be by my uncle's name.  
Q What was that? A Hawkins.  
Q Were you a slave? A No sir; only, course, my mother was; and after she married my father she was by his name.  
Q How long have you been going by the name of Robinson? A About 28 years I guess; since I have been born.

The records of the proceedings of the Commission under the act of June 10, 1904, examined and it does not appear that application was made by the applicant for citizenship in the Creek Nation under the provisions of said act.

The records of the Gilbert Commission examined and it does not appear that application was made to said commission for citizenship for the applicant herein.

The Dunn Roll examined and the applicant's mother not identified therein.

Henry G. Kaine being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Kaine.

Subscribed and sworn to before me this 10th day of August, 1904.

Charles J. Sawyer

Notary Public.

No. 609.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Manny  
Robinson as a Creek Freedman.

-| SUPPLEMENTAL STATEMENT :-

The Tribal Rolls of the Creek Nation, in the possession of the  
Commission, examined and the applicant not identified on any of said  
rolls.



Commissioner.

Muskogee, Indian Territory.

SEP 20 1904

21, 009,  
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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,

\*101\*

In the matter of the application for the enrollment of  
Manny Robinson as a Creek Freedman:

- I D E C I D E N -

The record in this case shows that on August 20, 1904, Manny Robinson appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Creek Freedman. The evidence shows that the applicant was thirty-five years old on the date of the application herein, and that he is not the descendant of a person whose name is found on the Roll of Creek Freedmen made by J. W. Dunn prior to March, 24, 1867.

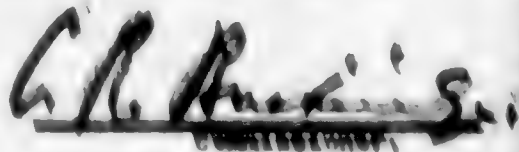
It does not appear that the applicant herein has ever been enrolled as a citizen of the Creek Nation, nor does it appear that he has ever been admitted to citizenship in said Nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Manny Robinson as a Creek Freedman, and that the application for his enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
CHAIRMAN.

  
\_\_\_\_\_  
COMMISSIONER.

  
\_\_\_\_\_  
G. R. Perkins, Jr.  
COMMISSIONER.

Muskogee, Indian Territory,

FEB 2 - 1905

COPY.

CRACK IN BOX

Washoe, Indian Territory, February 4, 1905.

Manny Robinson,

Washoe, Indian Territory.

Dear Sir:

There is enclosed herewith one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

J. A. [Signature]

Chairman.

Register.  
JYU-4-24.

COPY.

Creek An 609

Muskogee, Indian Territory, February 4, 1908.

M. L. Nett,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Hanny Robinson as a Creek Freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tamm Dwyer.

Chairman.

JN-4-36.



Creek No 609

Luskogee, Indian Territory, February 4, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Wanny Robinson as a Creek freedman, including the decision of the Commission, dated February 2, 1906.

Respectfully,

*Tams Bixby.*

Chairman.

Through the  
Commissioner of Indian Affairs.

JL-4-36.

Refer in reply to the following  
11241-1905

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, February 15, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five civilized Tribes, dated February 4, 1905, transmitting the record of the application, made August 10, 1904, for the enrollment as a Creek freedman of Manny Robinson.

February 8, 1905, the Commission decided adversely to the applicant.

The record shows that no prior application has been made; that the applicant was thirty five years of age at date of application; that he is not a descendant of a person whose name is found on the Dunn Roll, and that he has never been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C.F. Larrabee

Acting Commissioner.

M.M.M.  
V.

G.R.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D. 1680-1905  
-R.R.

June 15, 1905

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

February 4, 1905, you transmitted the record of the application of Manny Robinson for his enrollment as a Creek freedman, including your decision dated February 2, 1905, adverse to the applicant.

February 15, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision adverse to the applicant be affirmed. A copy of this letter is inclosed.

The Department concurs in the recommendation made and your decision dated February 2, 1905, denying the application of Manny Robinson for his enrollment as a Creek freedman is hereby affirmed.

Respectfully,

H.A. Hitchcock

Secretary

1 inclosure.

Cr.Bn.609.

Muskogee, Indian Territory, June 28, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of June 13, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of Henry Robinson, as a Creek Freedman.

Respectfully,

Chairman.

Or. No. 609.

Muskogee, Indian Territory, June 28, 1905.

Manny Robinson,

Boynton, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 13, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying your application for enrollment as a Creek Freedman.

Respectfully,

Chairman.

#609.

G.R.

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

I.T.D.1680-1905.  
2857-1906.  
5250- "

April 3, 1906.

LRS

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

March 8, 1906, there was filed with the Department a motion for a rehearing in the matter of the application of Manny Robinson for his enrollment as a Creek freedman, wherein the Department on June 13, 1905 (I.T.D. 1680), affirmed the decision of the Commission to the Five Civilized Tribes dated February 2, 1905, denying said application.

The Department has carefully considered the motion for a rehearing filed on behalf of applicant in connection with the original record in the case, and finds no reason to disturb its decision of June 13, 1905 (I.T.D.1680), denying said application. Said motion for a rehearing is hereby denied.

You will so advise Messrs. Donovan & Griesel, of Muskogee, Ind. T., attorneys for moving party herein.

Respectfully,

(Signed) Thos. Ryan.  
First Assistant Secretary.



CR EN 610

CR EN 610

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 8, 1904.

In the matter of the application for the enrollment of Sudie Robinson as a citizen by blood of the Creek Nation; and for her children, Lola Belle White and Elzira Robinson, as citizens by blood of the Creek Nation.

APPEARANCE: M. L. Mott, attorney for Creek Nation.

Sudie Robinson being duly sworn testified as follows:

Examination by the Commission:

- Q Give your name, age and post office address. A Sudie Robinson; 27; Rentie, I.T.
- Q Do you make application for enrollment as a citizen by blood of the Creek Nation? A Yes sir.
- Q Have you some children for whom you wish to make application? A Yes sir.
- Q What is the name of the oldest? A Lola Belle White; she is 9.
- Q Next? A Elzira Robinson; she's dead, she would be five years old last September.
- Q How long has she been dead? A She died in '91.
- Q You mean 1901? A Yes sir.
- Q What is the name of the father of Lola Belle White? A Square White.
- Q Do you claim he was a citizen of the Creek Nation? A No sir.
- Q State man, was he? A Yes sir.
- Q What is the name of Elzira Robinson's father? A Charlie Robinson.
- Q Is he living? A Yes sir.
- Q Do you claim he is a citizen of the Creek Nation? A No sir.
- Q State man, is he? A Yes sir.
- Q To what Creek Indian town do you claim to belong? A Tuskegee.
- Q What is the name of your father? A I never knowed my father; never seen him.
- Q You don't know anything about him? A No sir.
- Q Do you know whether he claimed to be a Creek or not? A He wasn't a citizen.
- Q He was a statesman, was he? A Yes sir.
- Q What is the name of your mother? A Emma Butler.
- Q Is she living or dead? A Dead.
- Q How long has she been dead? A Long time; I was small; about 15 years old I guess.
- Q Do you live in the Creek Nation? A Yes sir.
- Q How long have you lived in the Creek Nation? A Nearly three years.
- Q Where were you born? A In the Chickasaw Nation.
- Q How long did you live there? A I was raised there.
- Q You never came to the Creek Nation until three years ago? A No sir.
- Q What degree of Creek blood do you claim? A My grandmother was about three quarters Indian.
- Q You don't claim to be a full blood? A No sir.
- Q Did you ever draw any money from the Creek Nation? A No sir.
- Q Was any money ever drawn for you in the Creek Nation? A No sir.
- Q Did you ever make application to any authority to be admitted as a citizen of the Creek Nation? A No sir; only I have talked; ever since I have been in the Creek Nation I have been trying to find my kin people; this is about the first man that ever give me any satisfaction about where they was.

Q You never went to the Creek council? A No sir.  
Q You never was before this Commission before? A No sir.

The 1890 authenticated tribal roll of the Creek Nation examined and the applicant not identified thereon; the 1891 omitted roll examined and the applicant not identified thereon; the 1895 pay roll of the Creek Nation and the 1895 omitted roll of the said Nation examined and the applicant not identified on either of said rolls.

David Harry being duly sworn testified as follows:

Examination by the Commission:

Q Give your name, age and post office address. A David Harry; about 54; Edna.

Q Do you know Sudie Robinson? A Yes sir.

Q How long have you known her? A Its been a little over a year.

Q Where did you first become acquainted with her? A The first time I got a letter from her and I got talking with her and from that I never saw her until a couple of weeks ago.

Q What was the nature of that letter? A She wanted to find out who was her people and written to me from the Choctaw Nation somewhere.

Q Do you know who was her mother? A Not really; I have heard of her but I didn't see her; I knowed her grandmother.

Q You mean you know the person she said was her grandmother? A Yes sir.

Q You don't know that this woman is her grandchild except what she says? A Well, her grandmother was named Delphie Butler and its her daughter; I know she had a daughter.

Q What was the name of her grandmother; the woman she says was her grandmother? A Delphie Butler.

Q Well, do you know that this woman is the grand-daughter of Delphie Butler? A Yes sir.

Q How do you know? A Well, the old lady had a child and she went off and got married.

Q Well, you don't know that she is her grand child? A Well,--

Q You know from what she has told you? A Yes sir.

Q Do you know it in any other way? A I knowed the old lady had a daughter and she was married-- that Emma was and she had this woman here and that must be her daughter.

Q How do you know it? A The old lady said it.

Q How do you know that this woman here is Emma's daughter except from what she told you? A I just took her word for it and it must be so.

Q From what she has told you? A Yes sir.

Q You knew Delphie Butler, did you? A Yes sir.

Q Is she living? A No sir; dead.

Q Delphie Butler had a daughter? A Yes sir.

Q And she went off? A Yes sir.

Q How long ago since she went off? A I can't say.

Q To your best judgment? A Its been a good while; 20 years.

Q Over 20 years? A Yes sir.

Q You are one of the town officers of Tuskegee town, are you? A Yes sir.

Q How long have you been town officer? A About 16 years.

Q Are you town king? A No sir.

Q Have you ever been town king? A Yes sir.

Q Was the name of Emma Butler ever carried on your town rolls since you have been an officer? A No sir; I was town king when L. C. Perryman was chief.

Q You are well acquainted with the members of your town? A Yes sir, what's near around there I am well acquainted with; what's way off I can't say.

Q Was Emma Butler ever carried on the town rolls of Tuskegee town for the last 10 years during the time you have been an officer? A No sir.  
Q As I understand you, the town officers keep up with the members of their town as to who they are and where they are? A Yes sir, supposed to do it.  
Q Do you know anything else about this case that you think ought to go in there? A No sir; I don't know anything else; I know that grandmother Delphis Butler, and she was my aunt; my uncle was named Henderson Butler and he is both dead; my uncle died a good while.

Picket Rentie being duly sworn, testified as follows:

Examination by the Commission:

Q Give your name, age and post office address? A Picket Rentie; 78; Muskegee.

Q Do you know Sudie Robinson? A I never knowed her until she got to inquiring about her people and I told him if they belonged to the Canadian I could inform her how she could find him out; there's where she know where to write to find out.

Q Did you know her mother? A No sir, I only knowed from what Henderson told me.

Q When did he tell you this? A After peace; short time after; some time. Some years.

Q About how many? A I reckon it must have been about 5 or 6 years.

Q What was it he told you? A He said there was a girl was lost off from his parents but he guessed he was dead; can't hear of him at all and one of his relations and there where I remember after she got talking about the Canadian, I told him I thought he could find out by writing to Tuskegee or go and see; I am pretty well acquainted with the Canadian.

Q Did Henderson belong to Tuskegee town? A Yes sir.

Q He was speaking about a girl who went away? A Yes sir.

Q Did he say who she was? A His niece or grand niece.

Q What name did he say? A He never told any name but just a girl; married and went off and couldn't tell what became of her.

Q That was 4 or 5 years after the war? A Yes sir.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 19 day of August, 1904.

*Charles H. Sawyer*

Notary Public.

887D

En. 610.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:0:-

In the matter of the application for the enrollment of  
Sudie Robinson and her minor children, Lola Belle White and Elzira  
Robinson, as citizens by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on August 8, 1904,  
Sudie Robinson appeared before the Commission at Muskogee, Indian  
Territory, and made application for the enrollment of herself and  
her minor children, Lola Belle White and Elzira Robinson, as citi-  
zens by blood of the Creek Nation.

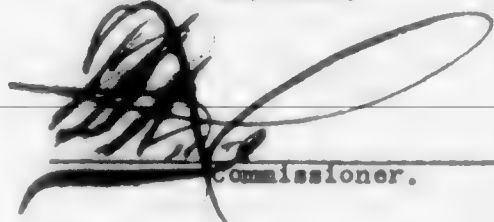
The evidence shows that none of the applicants are full-  
blood Creek Indians.

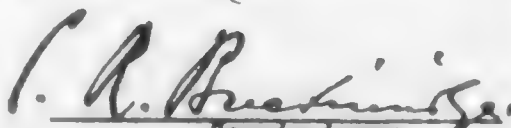
It does not appear that the applicants, or any of them,  
have ever been enrolled as citizens of the Creek Nation, nor does it  
appear that they, or any of them, have ever been admitted to citi-  
zenship in said Nation by the Creek Tribal Authorities, the Com-  
mission to the Five Civilized Tribes, or the United States Court in  
Indian Territory.

It is, therefore, the opinion of the Commission that there  
is no authority of law for the enrollment of said Sudie Robinson,  
Lola Belle White and Elzira Robinson as citizens by blood of the  
Creek Nation, and that the application for their enrollment as such,  
should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

JUN 4 1905

COMMISSIONER TO THE PUBLIC

No.	Received	Date	By
25627	JUN 25 1900		

Adams, Percival,  
Muskogee I. T.,  
Creek Nation,  
June 23, 1906?

Enig 610

Transmits copy of application for re-hearing showing service in Creek Enrolment case of Susie Robins on.

**WEEK ENROLLMENT**

an abundance of service in the Anti-Labor and Anti-Union

[illegible]

*[Faint vertical calligraphy]*



Rooms 219, & 220, Missouri Building,  
Muskogee, Ind; Terr; 23rd, June 1906,

Tamr Bixby Esq

~~1866~~ Commissioner to the Five Civilized Tribes  
Muskogee, Ind, Terr;

Dear Sir

Creek Enrolment 610,

Enclosed I send you in addition to the two copies I left with you  
today of the Application for a Rehearing of Sudie Robinson, <sup>another</sup> Copy with  
an acceptance of service by the Atty for the Creek Nation.

Respectfully

*Richard Adams*  
for J. B. Campbell  
Att'y for Sudie Robinson

**Department of the Interior,  
Comm. to the Five Civilized Tribes  
Creek Enrollment, is.**

**Application of  
Sadie Robinson for the enroll-  
ment of herself and Minors.**

**Motion  
For a Rehearing.**

CREEK ENROLLMENT

JUN 23 1906

Office of Field of the Office

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Office of the Secretary of the Interior

Commissioner of the Five Civilized Tribes.

Department of the Interior,

Department of the Interior,  
Commission to the Five Civilized Tribes.  
-----}}}}-----((((((((-----

In the matter of the Application of  
Sudie Robinson, for the enrolment  
of herself, Lola Belle White, and  
Elzira Robinson her children as  
Citizens by blood of the Creek

CREEK ENROLMENT, GIO,

Nation.

Comes now Sudie Robinson, and moves for a  
rehearing of the above entitled Application for the following  
reasons to Wit:

First, That at the time of the prior hearing of this Appli-  
cation she was unable owing to the absence of material witnesses  
to establish her claim as a Creek Citizen.

That since the hearing of said cause she has discovered evidence  
which, if produced at the former hearing would have established  
her right to enrolment as a Creek Citizen. and

Second, That if granted a rehearing of said cause she will be  
able to procure testimony fully establishing her claim, and  
which testimony she was unaware of at the time of the former  
hearing and could not possibly have procured at said hearing.

*J. Blampell*  
Attorney for Sudie Robinson.

Department of the Interior,

Commissioner to the Five Civil Tribes

~~Black Mountain, Ok.~~

Application of  
S. Robinson for the enrolment  
of herself, and two minors

to which said application  
has been assigned for  
consideration

For rehearing of case.

It is ordered that the  
said application be  
reheard on the 10th day  
of July next at 10 o'clock  
a.m. at the office of the  
Commissioner to the Five  
Civil Tribes at the  
Department of the Interior  
at Washington, D.C.

CHIEF OF BUREAU

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Department of the Interior,  
Commission to the Five Civilized Tribes.

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In the matter of the Application of  
Sudie Robinson, for the enrolment  
of herself, Lola Belle White, and  
Elzira Robinson her children as  
Citizens by blood of the Creek  
Nation.

CREEK ENROLMENT, CIO,

Comes now Sudie Robinson, and moves for a  
rehearing of the above entitled Application for the following  
reasons to Wit:

First, That at the time of the prior hearing of this Appli-  
cation she was unable owing to the absence of material witnesses  
to establish her claim as a Creek Citizen.

That since the hearing of said cause she has discovered evidence  
which, if produced at the former hearing would have established  
her right to enrolment as a Creek Citizen. and

Second, That if granted a rehearing of said cause she will be  
able to procure testimony fully establishing her claim, and  
which testimony she was unaware of at the time of the former  
hearing and could not possibly have procured at said hearing.

*McCampbell*  
Attorney for Sudie Robinson.

2722X  
Creek No 619

Muskogee, Indian Territory, January 11, 1906.

Snell Robinson,

Kentle, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, Lola Belle White and Elzira Robinson, as citizens by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

JYM-52.



245X  
Creek in 616

Muskogee, Indian Territory, January 11, 1908.

M. L. Mott,  
Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Judie Robinson, et al., as citizens by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYM-63.

Herr

Creek No 610

Muskogee, Indian Territory, January 11, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Sadie Robinson, et al., as citizens by blood of the Creek Nation, including the decision of the Commission, dated January 4, 1906.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

JYX-CC.

I.T.D. 2388-1905.

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DEPARTMENT OF THE INTERIOR,

WASHINGTON, March 27, 1905.

IRS.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

January 11, 1905, you transmitted the record in the matter of the application for the enrollment of Sudie Robinson, et al., (Creek En. 410), as citizens by blood of the Creek Nation, including your decision of January 4, 1905, which was adverse to the applicants Sudie and Elzira Robinson and Lola Belle White.

Reporting March 8, 1905, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E.A. Hitchcock,

Secretary.

1 inclosure.

Refer in reply to the following:  
Land 3400-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 8, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated January 11, 1905, transmitting the record of the application, made August 2, 1904, for enrollment as citizens by blood of the Creek Nation by Sudie Robinson for herself, and her minor children, Lola Belle White and Elzira Robinson.

January 4, 1905, the Commission decided adversely to the applicants.

The record shows that no prior application has been made; that none of the applicants are full blood Creek Indians and that none of them has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States Tribunal.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

N.M.M.

✓

Handwritten: HX

Cr En 610

Muskogee, Indian Territory, March 28, 1905.

Sadie Robinson,

Rentie, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 17, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1905, denying the application for the enrollment of yourself and minor children, Lola Belle White and Elzira Robinson, as citizens by blood of the Creek Nation.

Respectfully,

Chairman.

Cr Mn 610

Muskogee, Indian Territory, March 28, 1905.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of March 17, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1905, denying the application for the enrollment of Budie Robinson, et al. as citizens by blood of the Creek Nation.

Respectfully,

Chairman.



Cr.Bn. 610.

Muskogee, Indian Territory, October 27, 1906.

J. B. Campbell,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of October 6, 1906, denied the motion for rehearing filed with this office June 25, 1906, in the matter of the application for the enrollment of Sudie Robinson, et al., as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

Cr.No. 610.

Muskogee, Indian Territory, October 27, 1906.

Sadie Robinson,

Rentie, Indian Territory.

Dear Madam:

You are hereby advised that the Department under date of October 6, 1906, denied the motion for rehearing filed with this office June 25, 1906, in the matter of the application for the enrollment of Susie Robinson, et al., as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

Cr.En.610.

Muskogee, Indian Territory, October 27, 1906.

M. L. Mott,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of October 6, 1906, denied the motion for rehearing filed with this office June 25, 1906, in the matter of the application for the enrollment of Sudie Robinson, et al., as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

Cr.No.610.

Muskogee, Indian Territory, August 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of March 17, 1906 (I.T.D. 2388-1906), affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1905, denying the application for the enrollment of Sudie Robinson et al., as citizens by blood of the Creek Nation.

There is transmitted herewith for departmental consideration motion for a rehearing of said cause, filed with this office June 25, 1906.

The statements set forth in said motion as grounds for a rehearing are merely general in character. It is stated that "since the hearing of said cause, she has discovered evidence, which, if produced at the former hearing, would have established her right to enrollment as a Creek citizen", and that "if granted a rehearing of said cause, she will be able to procure testimony

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Secretary 2.

fully establishing her claim, and which testimony she was unaware of at the time of the former hearing but could not have possibly procured at said hearing."

Ample time and opportunity was afforded said applicant for the introduction of further evidence between August 8, 1904, the date on which the original application was made for enrollment, and January 4, 1905, the date on which the decision was rendered in said cause.

It is not set out in said motion as to the nature of the newly discovered evidence desired to be introduced, nor is it satisfactorily explained as to the reason such evidence could not have been introduced at the former hearing, nor is said motion supported by affidavit.

I am of the opinion that the conclusions reached and set forth in said decision was correct, and I respectfully recommend that said motion for rehearing be denied.

Respectfully,

LM-90.

Commissioner.

Through the  
Commissioner of Indian Affairs.

I.T.D .16374-1906.

JFJr.FHE.JP.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, October 6, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On August 28, 1906 (land 69324), the Indian Office transmitted your report of August 6, 1906, in reference to a motion for rehearing filed in the matter of the application for the enrollment of Budie Robinson, et al., as citizens by blood of the Creek Nation.

The allegations set forth in said motion are merely general in character, and the applicants had ample time and opportunity for the introduction of proper evidence, between August 8, 1904, the date on which the original application was made, and January 4, 1905, the date on which the decision was rendered in said case.

You recommend that said motion be denied. The Indian Office makes no recommendation in the matter. A copy of its letter is inclosed.

There appears to be no proper reason for the granting of said motion, and it is hereby denied. The record, motion and other papers have been forwarded to the Indian office for its files.

Respectfully,

Through the Commissioner of  
Indian Affairs.  
1 inc. and 4 to Ind.Of.

Thos. Ryan,  
First Assistant Secretary



Refer in reply to the following:

Land:  
20914-1906  
69824-1906.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, August 28, 1906.

C O P Y

The Honorable,  
The Secretary of the Interior.

Sir:

Referring to departmental letter of March 17, 1906, (I.I.T.D.2388-1906), affirming the decision of the Commission to the Five Civilized Tribes denying the application for the enrollment of Sudie Robinson, et al., as citizens by blood of the Creek Nation, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated August 6, 1906, transmitting a motion for rehearing in the above enrollment matter.

The record is inclosed.

Very respectfully,

F.H.Leupp,

Commissioner.

HWE-LC.

CR EN 61

CR EN 61

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 10, 1904.

In the matter of the application for the enrollment of Martha, Rilda, Thomas and Ora Haggerty, Mary, Josie, Sip, Henry and Benjamin Callaway as Creek Freedmen.

Martha Haggerty, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Martha Haggerty.  
Q How old are you? A I reckon about forty-eight.  
Q What is your post office address? A Grayson.  
Q Do you make application to be enrolled as a Creek Freedmen? A Yes, sir.  
Q Have you some children for whom you wish to apply? A Yes, sir.  
Q What is the name of the oldest that is living with you? A Rilda.  
Q How old is she? A Seventeen.  
Q What is the name of the next? A Thomas.  
Q How old is Thomas? A Fourteen.  
Q What is the name of the next one? A Ora.  
Q How old is she? A Nine years old.  
Q What is the name of the father of these children? A Solomon Haggerty.  
Q Is he living? A Yes, sir.  
Q Do you claim that he is a citizen of the Creek Nation? A No, sir.  
Q Is he a state man? A Yes, sir.  
Q Where do you live? A I live with my mother now.  
Q Well where is that? A I can't call the name of it.  
Q Is it in North America or South America or in the Creek Nation? A I don't know.  
Q Do you claim to be a Creek? A Yes, if she is.  
Q Don't you know whether you are now in the Creek Nation or not? A I done forgot.  
Q How far do you live from this place? A I don't know how far it is.  
Q Where have you been living? A Harris County.  
Q Is that in Texas? A Yes, sir.  
Q How long did you live in Texas? A I don't know.  
Q Were you born there? A Yes, sir.  
Q Did you live there all your life until you come here? A Yes, sir.  
Q Do you live here now? A Yes, sir.  
Q How long have you been here? A I moved here about four or five days.  
Q Did you bring your family with you? A Yes, sir, brought my smallest ones.  
Q Where is your husband? A In Texas.  
Q Has he got a home in Texas? A No, sir.  
Q What is he doing in Texas? A He been staying there. Just packing up.  
Q He has not come here yet? A No, sir.  
Q Are you and him separated? A No, sir.  
Q Did you ever draw any money from the Creek Nation? A No, sir.  
Q What town in the Creek Nation do you claim to belong to? A I don't know.  
Q How did you get to be a citizen of the Creek Nation? A By my mother.  
Q What is the name of your mother? A Lourina Hawkins.

Martha Haggerty et al.,----2.

- Q Was your mother admitted to citizenship in the Creek Nation? A  
So she says.  
Q Were you admitted to? A I don't know, sir.  
Q Were you ever married more than once? A No, sir.  
Q Your name was Hawkins before you were married was it? A Yes,  
sir.

Tom Hawkins, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Tom Hawkins.  
Q What is your age? A Forty years old.  
Q What is your post office? A Grayson.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q How did you get to be a citizen? A Through Lourina Hawkins, my  
mother.  
Q Were you admitted to citizen in the Creek Nation? A Yes, sir.  
Q By what authority were you admitted? A By Colbert Commission  
Court.  
Q In the Lourina Hawkins case? A Yes, sir.  
Q Do you know Martha Haggerty? A Yes, sir.  
Q Is she any relation to you? A Sister.  
Q Did you have anything to do with getting that application through  
the Colbert Commission? A Yes, sir.  
Q What was it? A I had the doing of having those names put on the  
roll for application to the Court.  
Q Was Martha Haggerty included in that application? A Yes, sir.  
Q What name did you give? A Hawkins. All of them.  
Q You gave them all the name of Hawkins? A Yes, sir, just like  
the mother.  
Q Did you include the names of Martha's children? A Yes, sir.  
Q Of her children? A All but one. Of course it was a baby. I  
didn't give her name at that time.  
Q Is Martha a daughter of Lourina Hawkins? A She is a daughter of  
Lourina Hawkins.

The records of the Colbert Commission examined and it appears that an application was made to said Commission by George Hawkins et al., including Lourina Hawkins and others who were said to be her children and among them is found the name of Martha Hawkins. The names of her children herein applied for do not appear in said application. This application is dated July 29, 1896, as appears of record in book 1, Page 485.

It further appears on page 499 of said records that on August 20, 1896 the Colbert Commission rendered its decision in the case admitting the applicants to citizenship and presumably thereafter, as appears on Page 576, said Commission rendered another decision in the case denying the application. ~~the last mentioned~~

It appears from the records of this Commission that on November 8, 1899, the Commission rendered its decision in the matter of the application for the enrollment of Lourina Hawkins et al., (said Lourina Hawkins being the mother of the principal applicants herein) denying the application, which decision was affirmed by the Department May 26, 1902.

November 20, 1902 the Department vacated and recalled its decision of May 26, 1902 and reversed the action of the Commission of November 8, 1899 and directed the Commission to enroll the applicants as citizens of the Muskogee or Creek Nation.

Martha Haggerty recalled:

By Commission:

- Q These children that you have named are all living are they? A  
Yes, sir.

Martha Haggerty et al.,----3.

MARY CALLAWAY, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Mary Callaway.  
Q How old are you? A Forty-eight.  
Q What is your post office address? A Grayson.  
Q Do you make application to be enrolled as a Creek Freedmen? A Yes, sir.  
Q Have you some children for whom you wish to apply? A Yes, sir.  
Q What is the name of the oldest? A Josie.  
Q How old is she? A Sixteen.  
Q What is the name of the next? A Sip.  
Q How old is Sip? A Fourteen.  
Q What is the name of the Next? A Henry.  
Q How old is he? A Twelve.  
Q What is the name of the next one? A Benjamin.  
Q How old is he? A Nine.  
Q Are these children all alive? A Yes, sir.  
Q Living with you? A Yes, sir.  
Q Where do you live? A I moved here about three or four days ago.  
Q In the Creek Nation? A Yes, sir.  
Q Where did you come from? A Texas.  
Q How long did you live in Texas? A I don't know.  
Q Were you born there? A Yes, sir.  
Q Lived there all your life so far as you know? A Yes, sir.  
Q What is the name of the father of these Children? A Rose Callaway.  
Q He is a state man is he? A Yes, sir.  
Q Where is he? A In Texas.  
Q Does he own a home in Texas? A No, sir.  
Q What is he doing there? A Just there working.  
Q Where are these children you named? A They are here with me.  
Q Have you moved your household goods here? A Yes, sir.  
Q Has your sister who has just been before the Commission moved all of her household goods here? A Yes, sir. He and her come together.  
Q Does Rose intend to come to the Creek Nation? A Yes, sir.  
Q When is he coming? A Coming sometime in the Fall.  
Q What is the name of your father? A George.  
Q George What? A George Hammons.  
Q What is the name of your mother? A Lourina Hawkins.  
Q Was application ever made for you for citizenship in the Creek Nation? A I don't know, 'sir. I think my mother said she did. I don't know.

TOM HAWKINS recalled:

By Commission:

- Q Do you know Mary Callaway? A Yes, sir.  
Q Is she a sister of yours? A Yes, sir.  
Q Was she included in the application made to the Colbert Commission in the Lourina Hawkins case? A Yes, sir.  
Q Under what name? A Mary Hawkins.

The name of Mary Hawkins is found in the application made to the Colbert Commission.

The statements heretofore made in the application of Martha Haggerty for the enrollment of herself and children as Creek Freedmen is made part of the record in this case.

The names of the children of Mary Callaway herein applied for are not found in the application made to the Colbert

THESE FINDINGS OF THE BOARD:

Conclusion, not in the judgment rendered in the former  
inquiry case.  
This case is concluded for evidence that the applicants  
have in good faith complied with the terms of the

THESE FINDINGS OF THE BOARD:

I, JAMES H. HARRIS, JR. hereby certify that the above and foregoing  
are a full, true and correct copy of the original report as  
taken in said hearing on said case.

James H. Harris, Jr.

WITNESSED my hand and seal this 10th day of April, 1904.

Chas. H. Harris



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., AUGUST 20, 1904.

Ex: 511

Supplemental testimony

In the matter of the application for the enrollment of Martha Haggerty, et alio, as Creek Freedmen.

APPEARANCE: M. L. Mott, attorney for Creek Nation.

Boss Galloway being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Boss Galloway.  
Q How old are you? A About 47.  
Q What is your post office address? A Baldwin, Texas.  
Q Is that your post office address at the present time? A Yes sir.  
Q A letter addressed to you at Baldwin, Texas, would reach you would it?  
Q Where do you live? A In Hamilton County, Texas.  
Q Are you the husband of Mary Galloway? A Yes sir.  
Q You don't claim any rights in the Creek Nation yourself? A No sir.  
Q You are now a resident of Texas, are you? A Yes sir, now I am.  
Q When did you leave Texas? A I left Texas last Saturday night; my wife been here two weeks.  
Q Do you intend to go back to Texas? A I will have to go back because my business is all there now; my farm.  
Q Do you own a farm in Texas? A Yes sir I have got a place there; I allow to move in here.  
Q Do you intend to remove to the Creek Nation? A Yes sir.

Bel Haggerty being duly sworn testified as follows:

By the Commission:

Q What is your name? A Bel Haggerty.  
Q How old are you? A Close on to 50 years old.  
Q What is your post office address? A Baldwin, Texas.  
Q Are you the husband of Martha Haggerty? A Yes sir.  
Q Your home is now in Texas, is it? A No sir.  
Q Where is your home? A Here.  
Q In the Creek Nation? A Yes sir.  
Q Have you removed to the Creek Nation? A Yes sir; I have moved myself to the Creek Nation.  
Q Do you own any property in Texas? A Yes sir.  
Q What does it consist of? A Farm.  
Q And personal property? A Yes sir.  
Q Is it all there, is it? A Yes sir.  
Q Do you own any property in the Creek Nation? A No sir.  
Q What are you going to do with that personal property you have in Texas? A She can go.  
Q Do you mean you are going to dispose of it? A Yes sir.  
Q Have you a crop back in Texas? A Yes sir.  
Q You expect to gather that crop, do you? A I have got somebody gathering it.

- Q Who is it, your children? A Yes sir.  
Q You have left them there? A Yes sir.  
Q Do you intend to bring your children to the Creek Nation? A Yes sir.

Examination by Mr. Mott:

- Q Do you own a farm down there? A Yes sir, about 50 acres.  
Q What are you going to do with it? A Going to sell it.  
Q Are you going back there to sell it? A Yes, I expect I will.  
Q You are going back there pretty soon? A No sir; I expect to do my building before I leave here.  
Q Have you got personal property down there? Horses and cattle? A Yes sir.  
Q Got beds and furniture down there? A Yes sir.  
A Got a heap more there than here? A No sir; wife, got my wife here, and if I get my rights here I will have a heap more.  
Q What property have you got in the Territory? A None.

Rose Galloway recalled:

By the Commission:

- Q Have you moved any household goods here? A No sir, but I am intending to make this my home.  
Q Where are your children? A My children's at home; my wife is here.

By Mr. Mott:

- Q How many children have you got? A Eight.  
Q Are they all enrolled? Made application for all of them? A No sir.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains.*

Subscribed and sworn to before me this 22 day of September, 1904.

*[Signature]*  
Notary Public.



Q did she wanted to come this last time?  
A How long have you been here this last time? A Three months.  
Q Are any of Mary Callaway's children here? A None but Sonnie.  
Q How old is he? A 22.  
Q Are Josie and Rip her children? A Yes. The younger children's  
ages of hers were put down last August but the oldest had to  
speak for themselves.

Witness is notified that Mary Callaway and her  
children, Josie, Rip, Henry and Benjamin, must prove  
that they have, in good faith, come to the Creek Nation  
before they can enroll.

Q Why does not Mary Callaway come to the Nation? A She had a  
married daughter that was sick and that is the reason that she  
did not move.  
Q Do you expect her to come? A Yes, if she gets the money to come  
on.  
Q Hasn't she got the money to come on? A I don't know now.

Witness states that if she and her children are  
enrolled she will assist Mary Callaway and her children  
in coming to the Creek Nation.

-----  
Bess Ellen Parrish, being sworn on her oath states that as  
stenographer to the Commission to the Five Civilized Tribes she  
reported the above case and that this is a full, true and correct  
transcript of her stenographic notes in same.

*Bess Ellen Parrish*

Subscribed and sworn to  
before me this 25th day of  
March, 1906.

*E. A. [Signature]*  
Notary Public.

Ex. 611

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskegee, Indian Territory, July 8, 1905.

In the matter of the application for the enrollment of  
Mary Callaway et al as Creek freedmen.

Mary Callaway, being duly sworn, testified as follows:

BY COMMISSIONER.

Q What is your name? A Mary Callaway  
Q How old are you? A Forty eight I believe  
Q Are you the same Mary Callaway that appeared here in August 1904  
and made application to be enrolled? A Yes, sir.  
Q Where do you live now? A Henryetta.  
Q How long have you been there? A I come the fourth Saturday in May  
Q Do you live in your own house in Henryetta? A No, sir.  
Q With whom do you live? A With my brother.  
Q What is his name? A Tom.  
Q Where did you come from to Henryetta? A I come from Texas  
Q Did you live in your own house in Texas? A Yes, sir.  
Q What did you do with your household furniture? A I brought it  
along.  
Q Where is it? A At my brothers  
Q You have a child named Josie? A Yes, sir  
Q Is she living? A Yes, sir  
Q Did she come with you? A Yes, sir  
Q Have you a child named Sip? A Yes, sir.  
Q Is it living? A Yes, sir.  
Q Did it come with you? A Yes, sir.  
Q Have you a child named Henry? A Yes, sir  
Q Is he living? A Yes, sir  
Q Did he come with you? A Yes, sir.  
Q Have you a child named Benjamin? A Yes, sir.  
Q Is he living? A Yes, sir.  
Q Did he come with you? A Yes, sir  
Q Is it your intention to live in the Creek Nation and make it  
your home? A Yes, sir.

Witness presents a bill of lading from the Pacific Express Co.  
dated 6/10 which is made a part of this record.

Q Where did you ship your goods from? A Jefferson, Texas  
Q What are you doing here in the Creek Nation? A Working with my  
brother  
Q Do you intend to live here now? A Yes, sir.

Martha Haggerty, being duly sworn, testified as follows:  
Q What is your name? A Martha Haggerty  
Q How old are you? A I reckon about fortyeight  
Q What is your post office address? A Henryetta.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q Do you know Mary Callaway? A Yes, sir  
Q Is she your sister? A Yes, sir.  
Q Where does she live? A In the Creek Nation.

Q How long has she been here? A She came in May.  
Q Did she bring her family and household goods? A Yes, sir.  
Q What did her household goods consist of? A Bedclothes, that's all.  
Q Is she living with you? A No sir, she stays with my brother.  
Q What is his name? A Tom Camp.  
Q Did you ever hear her express her intention to make this her home? A Yes, sir

Tom Camp, being duly sworn, testified as follows:  
Q What is your name? A Tom Camp On the rolls I was Tom Hawkins  
Q How old are you? A About fortyeight  
Q What is your post office address? A Henryetta.  
Q Are you acitizen of the Creek Nation? A Yes, sir.  
Q Do you know Mary Callaway? A Yes, sir  
Q Is she any relation to you? A Yes, sister.  
Q Does she live with you? A Yes, sir  
Q How long has she been with you? A Moved in May, I reckon about the 20th when she came. I don't keep correct count of the days  
Q Do you know if it is your sisters intantion to make the Creek Nation her home? A That's what she came for.  
Q Did she bring her family? A Yes  
Q Did she bring her household furniture? A Yes she brought a few bedclothes such as she could bring at the time  
Q And you think she intends to make this her home? A Yes, sir

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct copy of my stenographic notes taken in said case on said date.

*Anna Garrigues*

Subscribed and sworn to before me this 6th day of July 1908

*Edw. L. Sweeney*  
Notary Public.



MA: 611:

10.

DEPARTMENT OF THE INTERIOR,  
COMMISSION OF THE INDIAN TERRITORY.

IN THE MATTER OF the application for the enrollment of  
Martha, Hilma, Thomas and Ora Hagerty, and Mary, Louis, Rip, Henry  
and Benjamin Galloway, of Creek Nation.

DECISION.

The record in this case shows that on August 10, 1904, Martha  
Hagerty, Ora Hagerty and her three minor children, Hilma Hagerty,  
Thomas Hagerty, and Ora Hagerty, and Mary Galloway, for herself  
and her four minor children, Louis Galloway, Rip Galloway,  
Henry Galloway and Benjamin Galloway, appeared before the Commission  
at Muskogee, Indian Territory, and made application for enrollment  
as Creek Indians. Further proceedings were had August 26, 1904,  
and March 1, 1905.

With Martha Hagerty, Hilma Hagerty, Thomas Hagerty and  
Ora Hagerty are the only persons considered in this decision.  
It appears from the evidence that said Hilma, Thomas and  
Ora Hagerty are the minor children of said Martha Hagerty; that all  
of the applicants considered in this decision were born prior to  
April 1, 1868, and were living at the date of the application herein,  
and that they have in good faith removed to the Indian Territory  
from the State of Texas, where they formerly resided; that said  
Martha Hagerty, under the name of Martha Hawkins, in the case of  
Hawkins vs. the United States, applied to the Select Commission for admis-  
sion to citizenship in the Creek Nation; that on page 490 of Book 1,  
of the report of said Commission, it appears that said Commission  
rendered its decision upholding the applicants in said case to  
citizenship in the Creek Nation; that on page 576 of said report  
it appears that said Commission rendered another decision denying  
said application; that said latter decision of the Select Commission  
is without force.

It further appears from the evidence that the records of  
said Commission show that on November 8, 1905, the Commission rendered  
its decision in the matter of the application for the enrollment  
of said Martha Hagerty (the mother of Martha Hagerty herein) deny-  
ing said application. That said decision of the Commission was af-  
firmed by the Supreme Court May 20, 1906; that on November 20, 1906,  
the Commission rendered and recorded its decision of May 22, 1906,  
affirming the action of the Commission of November 8, 1905, and  
directed the Commission to enroll the applicants in said case.

It is, therefore, the opinion of the Commission that following the ruling of the Department in said case of Lourena Hawkins et al., (Creek Enrollment Number 3), said Martha Haggerty, Kilda Haggerty, Thomas Haggerty and Ora Haggerty should be enrolled as Creek Freedmen, in accordance with the provisions of the Acts of Congress June 22, 1898 (30 Stats., 496), and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,  
JUN 14 1905

*S. D.*

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Mary, Josie, Sip, Henry and Benjamin Calloway, as Creek Freedmen.

D E C I S I O N.

The record in this case shows that on August 10, 1904, Mary Calloway, for herself and for her four minor children, Josie Calloway, Sip Calloway, Henry Calloway and Benjamin Calloway, appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for enrollment as Creek Freedmen. Further proceedings were had August 25, 1904, March 21, 1905, and July 5, 1905.

The case of Martha Haggerty, Rilda Haggerty, Thomas Haggerty and Ora Haggerty, for whom application was made at the same time and place, and who are referred to in the testimony herein has been considered in a decision heretofore rendered by the Commission to the Five Civilized Tribes.

It appears from the evidence that said Josie Calloway, Sip Calloway, Henry Calloway and Benjamin Calloway are the minor children of said Mary Calloway; that all of the applicants considered in this decision were born prior to April 1, 1899, and were living at the date of the application herein, and that they have in good faith removed to Indian Territory from the State of Texas, where they formerly resided; that said Mary Calloway, under the name of Mary Hawkins, in the case of Lourena Hawkins et al., applied to the Colbert Commission for admission to citizenship in the Creek Nation; that on page 499 of Book 1, of the record of said Commission, it appears that said Commission rendered its decision admitting the applicants in said case to citizenship in the Creek Nation; that on page 576 of said record it appears that said Commission rendered another decision in said case denying said application; that said latter decision of the Colbert Commission is without date.

It further appears from the evidence that the records of the Commission to the Five Civilized Tribes show that on November 8, 1899, said Commission rendered its decision in the matter of the application for the enrollment of said Lourena Hawkins (the mother of Mary Calloway herein) denying said application; that said decision was affirmed by the Department May 26, 1902; that on November 20, 1902, the Department vacated and recalled its decision of May 26, 1902, reversed the decision of the Commission to the Five Civilized Tribes of November 8, 1899, and directed said Commission to enroll the applicants in said case.

It is, therefore, ordered and adjudged that in conformity with the ruling of the Department in said case of Lourena Hawkins et al., (Creek Enrollment No. 3), said Mary Calloway, Josie Calloway, Sip Calloway, Henry Calloway and Benjamin Calloway are entitled to be enrolled as Creek Freedmen in accordance with the provisions of the acts of Congress June 28, 1898 (30 Stats., 495), and March 1, 1901 (31 Stats., 861), and the application for their enrollment as such is accordingly granted.



Commissioner.

Muskogee, Indian Territory,

OCT 12 1905

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Creek 011.

Muskogee, Indian Territory, June 16, 1908.

M. L. Nett,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Martha, Rilda, Thomas and Ora Wiggerty as Creek Freedmen.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to file protest against said decision, and if, at the expiration of that time, no protest has been filed, said Martha, Rilda, Thomas and Ora Wiggerty will be regularly listed for enrollment as Creek Freedmen.

Respectfully,

Carlson.

AG-26-2

Gr. No. 611.

Muskogee, Indian Territory, June 30, 1905.

J. H. Osborn,  
Henryetta, Indian Territory.

Dear Sir:

The Commission acknowledges the receipt of your letter of June 17, 1905, in which you ask when the families of Martha Haggerty and Mary Galloway will be permitted to file.

In reply you are advised that the matter of the application for the enrollment of Martha Haggerty is now pending before the Commission. When action is had in the matter, the parties in interest will be duly notified.

You are further advised that no evidence has been submitted to the Commission tending to show whether or not Mary Galloway and her children have in good faith removed to the Creek Nation, and that until such evidence is submitted, no decision can be rendered in the matter of her application for enrollment.

Respectfully,

Chairman.



**INDEXED**

COMMISSIONER TO THE		RECEIVED	
No.	Received	Date	Place
34422		AUG 15 1905	
1905			

HOYT, W.R.,  
 Henryetta, I.T.,  
 Creek Nation,  
 Aug. 14, 1905.

Asks that Creek names of  
 Mary and Fattie Galloway be  
 made special and forwarded to  
 Department for approval.

CURRENT MAILMENT

Henrietta Indian Territory

Hon. Commissioner to  
Five Civilized Tribes  
Sik:

August 14th 1905

Mary Callaway & Jettie Callaway heretofore placed  
on the Five Civilized Tribes list that numerous allotments  
will be assigned to minor children of the Creek Nation and no available  
land in consequence will shortly be had, they would respectfully request  
that their matter be forwarded to the Hon Secretary for his approval  
and their case made special as all the necessary proof has been  
submitted and I understand is now ready to be forwarded

Very Respectfully

MRK Hoyt

Or 2a 611

Muskogee, Indian Territory, October 13, 1906.

M. L. Rott,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Mary, Josie, Wip, Henry and Benjamin Galloway as Creek Freedmen.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if, at the expiration of that time, no protest has been made, said persons will be regularly listed for enrollment as Creek Freedmen.

Respectfully,

Commissioner.

JYK-13-8

# 611  
OT. 21, 2000

Muskogee, Indian Territory, October 25, 1905.

Martha Haggerty,

Care W. R. Hoyt,

Henryetta, Indian Territory.

Dear Madam:

You are hereby advised that the names of yourself and of your children, Wills, Thomas and Ora Haggerty, are contained in the partial list of Creek freedmen approved by the Secretary of the Interior, October 17, 1905, and that application for a selection of land in the Creek Nation may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.



**NON-NEGOTIABLE BILL OF LADING.**

**THE PACIFIC EXPRESS COMPANY.**

Received from

Received from Mr. C. E. Smith the sum of Five Dollars for the use of the U. S. Army and in consideration of the freight charges thereon, the said PACIFIC EXPRESS COMPANY undertakes to forward the same to the point nearest to destination for the use of the U. S. Army and to be liable for any loss of, or damage to, the property above mentioned, which shall occur while the same is in transit.

[illegible][illegible]

And it is further estimated and agreed, in consideration of the payment of making such collection and the PACIFIC EXTERNA COMPANY shall be responsible for the delivery of the property above mentioned, to the consignee at any station where the delivery is authorized by said company, not at any station where delivery service is maintained, beyond the delivery limits established by the PACIFIC EXTERNA COMPANY at the date herein, unless expressly agreed upon.

And it is further agreed that the PACIFIC STEAMSHIP COMPANY, shall not be liable for any claim of any receiver whatever arising out of the receipt of  
above mentioned, unless such claim is presented in writing within sixty days from the date of loss or delivery, in a statement in which a copy of this contract shall  
and the shipper and owner hereby agree that all of the obligations and conditions in this contract containing, all printed and loose or the receipt of said, and  
of company in which the PACIFIC STEAMSHIP COMPANY may appear or deliver the above described property, for transportation, storage or delivery, and shall  
with the liability, together with such other terms or conditions, and by the acceptance of this bill of lading by the consignor, or by the person delivering the prop  
PACIFIC STEAMSHIP COMPANY, the shipper and owner of the property shall be bound by all of the foregoing terms and conditions.

[illegible]

31.90



CR EN 612

CR EN 612

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I.T. AUGUST 10, 1904.

In the matter of the application for the enrollment of Burton  
Gravens as a Creek Freedman.

APPEARANCES: W. T. Mott, Attorney for Creek Nation;  
S. Hantain, Attorney for Applicant.

Burton Gravens being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Burton Gravens.  
Q How old are you? A Thirty-one.  
Q What is your post office address? A Wyburn.  
Q Do you make application for enrollment as a Creek Freedman? A Yes sir.  
Q Have you any children that you want to apply for? A No sir.  
(To Attorney for applicant).  
Q Mr. Hantain, what are the grounds that you set up in this application?  
A The application is based on the fact that the applicant's mother was  
a Creek Freedman and that her name should appear on the Dunn Roll and  
that the applicant was born since the said Dunn Roll was made.  
Q Is it admitted that the applicant never drew any money from the Creek  
Nation? A Yes sir.  
Q Is it admitted that his mother did not draw in 1890 or 1891? A Yes,  
sir, she died prior to the 1890 roll.  
(To applicant).  
Q Where do you live? A Wyburn.  
Q Is that in the Creek Nation? A Yes sir.  
Q How long have you lived in the Creek Nation? A I have been living  
in the Creek Nation about 8 years.  
Q Where did you come from? A Off and on.  
Q Where did you come from? A From Arkansas.  
Q How long did you live in Arkansas? A All my life until 1896 or 1897.  
Q You were born in Arkansas? A Yes sir.  
Q What is the name of your father? A Willard Gravens.  
Q Is he living or dead? A He is dead.  
Q Do you claim he was a citizen of the Creek Nation? A No sir.  
Q State man, was not? A Yes sir.  
Q What was the name of your mother? A Ellen Allen.  
Q Did she ever go by any other name? A Yes sir.  
Q What? A She was Ellen Smith or Ellen Montie Perry that.  
Q Did you ever draw any money from the Creek Nation? A No sir.  
Q How long has your mother been dead? A 20 odd years.  
Q Did you live with her all your life until she died? A Yes sir.  
Q She died in Arkansas, did she? A Yes sir.  
Q To what town in the Creek Nation do you claim to belong, or do you  
know? A No sir.  
Q Was your mother a slave? Do you know from family history she was a  
slave? A Yes sir.  
Q To whom did she belong? A From what I can learn to J. B. Smith.

Q Did you ever hear her say when she left the Creek Nation? A No sir;  
 Q Did you ever hear her say whether or not she ever lived in the Creek  
 Nation? A No sir.  
 Q When did you receive information or how did you receive information  
 that you might have rights here in the Creek Nation? A I was always  
 taught that my mother came from Indian Territory; my mother died when I  
 was between four and five years old.  
 Q Did you understand to what nation in Indian Territory she belonged?  
 A Father Bill was taught she came from the Creek Nation.

The Court well examined, and the applicant's mother not identified  
 the man under any of the names given by him.

Manuel Monday being duly sworn testified as follows:

Examination by the Court:  
 Q What is your name? A Manuel Monday.  
 Q How old are you? A 40 years past.  
 Q What is your post office address? A Oxtana now.  
 Q Do you know Burton Grayson?  
 A Don't know him? A No sir-- you sir-- I don't know him by his given  
 name. I know Mr. Grayson.  
 Q Do you know the applicant here? A Yes sir, I know him now.  
 Q How long have you known him? A I have been knowin' him for a year.  
 Q Do you know who his father was? A No sir, I don't.  
 Q Do you know who his mother was? A Yes sir.  
 Q How could you know it? A That is-- I know it this way; the applicant  
 say I have about his mother, who he claims to be his mother.  
 Q You don't know of your own knowledge who his mother is?  
 A No sir, I just know who claims to be his mother.  
 Q Who does he claim as his mother? A Well, he claimed Ellen Smith or  
 Ellen Smith to be his mother.  
 Q When did he first mention this matter to you? A Why, in talking on  
 the street here about a couple of weeks ago he happened to talk about  
 his mother and when he called it-- of course I know who he claimed to be  
 his name, and I said of course I know her.  
 Q What was the name of this woman he claims to be his mother when you  
 first heard it? A Ellen Smith.  
 Q When did you first know her? A It has been a or since '61, '63, '64, '65  
 or '66.  
 Q You met her then, did you? A Yes sir.  
 Q You have never known her since '66? A Not since '66.  
 Q Where did you know her in '66? A At the place known as the old North  
 Fork.  
 Q In the Creek Nation? A Yes sir, that was in '66.  
 Q Did you know her in '66? A Yes sir.  
 Q Where was she then? A Well, we was all on Red River and come back here  
 and she come back here when you did in '66? A Yes sir, not right  
 along with me, but I saw her incidentally afterwards.  
 Q You saw her in the Creek Nation? A Yes sir.  
 Q What was in '66? A Yes sir.  
 Q Did you ever see her after that time? A No sir, cause she went away  
 and I was away at that time. A Well, sometime after that.  
 Q You missed her from the country in '66? A Yes sir.  
 Q Did you ever hear of her any more? A No sir, just know she went off  
 somewhere.

Q To whom did she belong? A To Jim Smith.

Q Did she belong to Jim Smith when the slaves were freed? A Yes sir.

Q Was he a citizen of the Creek Nation? A Jim Smith was; yes sir.

Q Was she married at the time you knew her? A No sir, I don't know anything about her being married; all I know was she had taken up with some fellow.

Q Do you remember who that was? A No sir, but only who I supposed it was a fellow named Calvin-- that was in a period, it was when I didn't pay much attention, to marriage.

Q How old were you when the war closed? A I don't know; I don't know when the war closed; but I was 11 years old in '66 when I come back home; some says the war closed in '66 and some in '65; but I was past 11 in '66, when they come back home; born in '55.

Q Was she a grown woman then? A Yes sir.

Q Did she live in the same section of the country that you did when she was here in '66? A No; I lived up here at Black Jack and when we all come back from Red River of course I was on Canadian out here with my uncle, and I just supposed she had come on down to old North Fork town to where her old home was; that's where Jim Smith lived, in North Fork town, and when we parted of course my uncle lived between Canadian and North Fork and I stopped there and I suppose she come on down.

Q Do you know whether she had a settled home in '65? A No sir.

Examination by Mr. Hastain:

Q Were you here when the roll of Creek Freedmen was made by Major Dunn? A Yes sir.

Q You may state whether or not, to your knowledge, there were any freedmen residing here in the Creek Nation at the time the Dunn roll was made, whose names do not appear on the Dunn roll? A Why, yes sir; I might can remember some few.

Q Do you know any reason why the name of Ellen Smith should not appear on the Dunn Roll? A That I do not know the reason why her name do not appear; I just suppose it might be through negligence as a great many others had been neglected.

By the Commission:

Q Do you know when the Dunn roll was made? A Yes sir.

Q When? A It was in '67.

Q Well, now, I understand from your testimony that has gone before, that this woman, Ellen Smith or Rentie, was not here at that time; I understood you to say that you lost track of her in '66? A That's right.

Q And it is your understanding that she went out of the country at that time? A Yes sir; I never heard of her any more.

Q And you have never heard of her since? A No sir.

On request of the attorney for applicant, this case is continued for further testimony.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 19th day of August, 1904.

*Charles H. Sawyer*

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 24, 1904.

In the matter of the application for the enrollment of Rose and Mary Batson as Creek Freedmen.

APPEARANCE: M. L. Mott, attorney for Creek Nation.

Rose Batson being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Rose Batson.  
Q How old are you? A Twenty nine.  
Q What is your post office address? A Eufaula.  
Q Do you make application to be enrolled as a Creek Freedman? A Yes sir.  
Q Have you any children you want to apply for? A Yes, one.  
Q What is the name of the child? A Mary Batson.  
Q Is she living? A Yes sir.  
Q What is the name of her father? A Tom Batson.  
Q Do you claim her father has any rights in the Creek Nation? A No sir.  
Q State man, is he? A Yes sir.  
Q Do you live in the Creek Nation? A Yes sir.  
Q How long have you lived here? A Two years this Christmas.  
Q Where did you come from? A Arkansas.  
Q Were you born in Arkansas? A Yes sir.  
Q Lived in Arkansas all your life until you came here two years ago?  
A I came to the Cherokee Nation five years ago.  
Q Did you live in Arkansas all your life before that? A Yes sir.  
Q What is the name of your father? A Hilliard Cravens.  
Q Is he living or dead? A Dead.  
Q Claim he had any rights in the Creek Nation? A No sir.  
Q State man, was he? A Yes sir.  
Q What is the name of your mother? A Ellen Smith.  
Q Did she ever go by any other name? A Yes sir, she went by the name of Ellen Rentie; her father was Rentie and her owner was Smith.  
Q Are you a sister to Burton Cravens? A Yes sir.  
Q Full sister? Same father and mother? A Yes sir.  
Q Your mother is dead, is she? A Yes sir.  
Q How long has she been dead? A I don't know; I was quite small.  
Q Where did she die? A In Arkansas.  
Q Have you been informed that your mother was the slave of a Creek citizen? A Yes sir.  
Q What was the name of her owner? A Jim Smith.  
Q Did you ever hear her say whether she ever lived in the Creek Nation or not? A No sir I wasn't old enough to know anything about it.  
Q When did you receive information that you might have rights in the Creek Nation? A I have been taught that ever since I was small.  
Q By whom? A By my cousin that raised me, Henry Page.  
Q Where did he live? A In Arkansas.  
Q In which nation did he tell you you had rights? A In the Creek Nation

Q Who told you that your mother's owner was named Smith? A My brother told me.

Q That's Burton Cravens, is it? A Yes sir; he knew more about it than I do.

Q Do you know Manuel Monday? A No sir.

Q Did you ever draw any money from the Creek Nation? A No sir.

Q Was any money ever drawn for you that you know of? A No sir.

It is ordered that this case be consolidated with the application of Burton Cravens, No. 612.

Q How old is your child Mary? A Six years old.

-----  
Henry C. Quinn being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry C. Quinn.

Subscribed and sworn to before me this 26th day of September, 1904.

*H. Martin*  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. NOV. 28, 1904.

En. 612

Supplemental testimony

In the matter of the application for the enrollment of Burton Cravens et al., as Creek Freedmen.

APPEARANCES: E. Hastain, for applicants.

(The Commission was informed that Mr. Mott was out of the city

Henry C. Reed being duly sworn testified as follows:

By the Commission:

Q What is your name? A Henry C. Reed.  
Q How old are you? A About 66 I guess.  
Q What is your post office address? A Lee.  
Q You are a citizen of the Creek Nation, are you? A Yes sir.  
Q How long have you lived in the Creek Nation? A Well, all the days of my life.

By Mr. Hastain:

Q Are you acquainted with Burton Cravens? A Just a short acquaintance, yes sir.  
Q Are you acquainted with the woman that claims to be his mother; were you acquainted with her? A Yes sir; I am acquainted with Ellen Smith.  
Q When was the last time that you saw Ellen? A Oh, that's been way back in the year of '66; 1866.  
Q You haven't seen her since that time? A No sir.  
Q Did you know her before that time for any length of time? A Yes sir.  
Q State how long you knew her? A Well, I knew her along 4 or 5 years before the Civil War commenced.  
Q Where was she when you last saw her? A I saw her down here North, of town; all the people lived down there.  
Q Did you know her owner? A Yes sir; she was owned by a half breed Indian named Jim Smith.  
Q Was he a citizen of the Creek Nation? A Yes sir.  
Q Do you know whether she was here during the war or not- Ellen Smith?  
Q Yes sir, they were here when the war was going on and well- their owner he left out here to the Choctaw Nation; all the refugees run there  
Q And when did they come back? A They come back after Peace declared; long about the year '66; I don't know the month but it was in that year.  
Q Do you know where she went after you last saw her? A No sir; I can tell you what I heard- she went off to the States; I heard she has been dead but I don't know that.

By the Commission:

Q Where were you during the war? A Well, I left home and came to Ft. Gibson in July '63, and we went from there to Ft. Scott, Kansas, and from Ft. Scott Kansas, to Ft. Smith, Arkansas, and there I remained until Peace declared.

Q When was that she went down to the Choctaw Nation? A In '66; the year people went South.

Q Do you know whether she went or not? A I knew cause we lived close neighbors.

Q Was that before you went to Ft. Gibson? A Yes sir; you see they had a big battle out here, 10 or 12 miles of this place, and after that we all run; after that I remained in Ft. Gibson; I knew Smith and all of them were Southern soldiers; those colored that didn't go North, their owner carried them South.

- Q Do you know what time it was in '66 you saw her? A To my best knowledge it was early in the Spring.
- Q Did you see her just one time? A I don't remember how many times; it was more than one.
- Q Did you lose track of her then, or did she go out of the country?
- A No, the way I lost track of her, I went away from here and come where I am living now; we lived a distance apart and I don't know when she went away.
- Q You only know you saw her here early in the year '66? A Yes sir; about that time all the colored people come from Ft. Gibson and was living up and down the river here in a bunch and after that we commenced to scatter out.
- Q Was that after the war? A Yes sir.

Daniel McGilbra being duly sworn testified as follows:

By the Commission:

- Q What is your name? A Daniel McGilbra
- Q How old are you? A About 51 or 2.
- Q What is your post office address? A Lee.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q How long have you lived in the Creek Nation? A All my life.
- Q Do you know Burton Cravens? A That gentleman there?
- Q I want to know if you know Burton Cravens? A Yes sir, I knowed him about 3 or 4 years ago.
- Q How long have you known Burton Cravens? A Between 3 and 4 years.
- Q Where did you get acquainted with him? A Out here on Cane Creek.
- Q Was he living out there then? A I guess he was living-- he was stopping out there with Tobe Franklin when I knew him.
- Q Is Tobe Franklin any kin to this man, Burton Cravens? A I don't know
- Q Did you learn from Burton Cravens when you first got acquainted with him where he was from? A No sir.
- Q Did he at that time claim to have any relatives in the Creek Nation?
- A Yes sir.
- Q Who? A John and Solomon Rentie.
- Q Did he at that time tell you who his mother was? When you first got acquainted with him whom did he claim to be his mother? A Ellen Rentie claimed to be his mother.
- Q Is that what he claimed at that time? A Yes sir.
- Q Did you know Ellen Rentie? A Yes sir.
- Q Any kin to you? A No sir.
- Q How long had you known her? A About 2 or 3 years during the war.
- Q How old were you then? A I don't know; somewhere about 15 or 16 I guess.
- Q Was she a grown woman? A No sir, she was young.
- Q Was she taken away or did she go away during the War? A She was taken away.
- Q Where was she taken to, do you know? A Taken out back there on Red River.
- Q In Texas or Indian Territory? A In Indian Territory.
- Q Were you taken out about that time? A Yes sir, at the same time.
- Q Where were you taken to? A To Red River.
- Q Did you go into Texas? A No sir, didn't go into Texas; it was on this side.
- Q What time did you come back here? A In '66.
- Q Did Ellen Rentie ever come back here? A Yes sir; just about the same time.
- Q Did she go away from here then afterwards? A Not as I know of.
- Q Did you see her after she got back here? A Yes sir.
- Q Where was she living? A Just about at Old Agency.

Q Did she live here then until she died? A She lived here when she died.  
Q Did she live here until she died? A I expect so; we moved away from here back West.  
Q When was it you moved away from here? A Along in '67 or '68 we moved West; stayed until about 2 or 3 years ago when we moved in.  
Q What was the name of Ellen Rentie's father? A Rentie is all I can remember.  
Q What was the name of her mother? A I don't remember.  
Q Was her mother living when you came back from Red River? A No sir, I don't know.  
Q Was her father living then? A I guess he was; he was in Texas somewhere; I don't know.  
Q Who brought her back to this country? A Jim Smith, if I remember.  
Q Is your name on the Dunn Roll? A Yes sir.  
Q Do you know whether she was put on that Dunn Roll or not? A I don't know sir.  
Q Was Ellen Rentie married when she came back from Red River? A No sir, not as I know of.  
Q Had she ever been married? A Not as I know of.  
Q Didn't you know her well? A Yes sir, but I don't know a thing about the name of her father.  
Q Well, it looks like you would have known whether she was married or not? A Well, she wasn't married when I knew her.  
Q Did she have any brothers and sisters? A I guess so.  
Q Well, do you know? A Yes sir; John Rentie, Solomon Rentie, Horace Rentie, Island Rentie, Warrior Rentie.  
Q Which one of these older than her? A Most of them I think; I think Island and Warrior are half brothers.  
Q Did she have a sister named Eliza? A That's Solomon's wife; had a sister named Boss.  
Q Was she any kin to Picket Rentie? A Yes sir, that's her brother.  
Q There is an Ellen Rentie on the Dunn Roll who has been enrolled by the Commission under the name of Ellen Bruner; do you know her? A I don't know.  
Q That's Pickett Rentie's daughter, isn't it? A Yes, that's correct.

There is no other Ellen Rentie found on the Dunn Roll besides the one enrolled by the Commission as Ellen Bruner who appears to be a daughter of Pickett Rentie.

Q Was she married at the time you lost sight of her? A No sir.  
Q Do you know whether this man, Burton Cravers, is her son except from what he told you? A That's all I know.

By Mr. Hestain:

Q Who was Ellen's owner? A Jim Smith.  
Q Was he a citizen of the Creek Nation? A Yes sir.

-----  
Attorney for applicant asks for 10 days in which to introduce additional evidence in this case. It is granted.  
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Ferry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

*Ferry G. Hains*

Subscribed and sworn to before me this 29th day of November, 1904.

*Charles H. Sawyer* Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY, NOVEMBER 30, 1904.

In the matter of the application for the enrollment  
of Burton Cravens as a freedman of the Creek Nation.

SUPPLEMENTAL TESTIMONY.

JOHN WEST

Being first duly sworn on oath testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A John West.  
Q How old are you? A 37, I will be the 16th of next month.  
Q What is your post office address? A Muskogee.  
Q Do you know Burton Cravens? A Yes sir.  
Q How long have you known him? A I have known him 31  
years I reckon; I've known him ever since he was a baby.  
Q Where do you live? A I live about 7 miles northwest  
of here in the Creek Nation.  
Q How long have you lived in the Creek Nation? A 10 years  
Q Where did you live before that? A I lived in Johnson  
County, Arkansas; I was born and raised there.  
Q Where was this man Burton Cravens born? A He was born  
in Logan County about five or six miles from my home close  
to Patterson's Bluff a little down the River and across on  
the other side from where I lived.  
Q Did you know his mother? A Yes sir.  
Q What was her name? A Ellen Allen.  
Q Was she married at that time? A She was when I got  
acquainted with her.  
Q What was the name of her husband? A Calvin Allen.  
Q How far did Ellen Allen live from you when Burton was  
born? A Well including the River about 7 miles; they  
lived across the River from my home about 7 miles.  
Q How long did they live that near to you? A Ellen and  
Calvin Allen.  
Q Yes? A She died there; they lived there as man and  
wife one year in about one mile, then they moved, and then  
he started to make a crop or two and then he went off and  
they never heard of him any more.  
Q Did she live that near to you up to the time she died? A She  
lived about 7 miles from me for over two years; she lived

about one mile of me for two years and then after he left she went to another neighborhood.

Q About how old was Burton Cravens when his mother died?

A I suppose three or four years old; I don't remember just how old he was.

Q Who took charge of him after his mother died? A His grandmother and one of his uncles.

Q What was the name of his grandmother? A Her name was Maria Cravens.

Q What was the name of his uncle. A Bird Cravens.

BY MR HASTINGS

Do you know what year it was you first knew Ellen Allen?

A Not exactly, but I think it was in the year 1870; I am not exactly sure that was the year but I think it was; I think it was in '70

Q Did you ever hear her say where she lived before you got acquainted with her? A Well they came from across the River four or five miles above where I lived.

Q Well did you ever hear her say or were you ever informed where she lived before she came to Arkansas. A Well I heard she come from the Creek Nation; I was talking with a brother of hers once; I and her brother were setting up with a dead man, or he pretended to be her brother; he and I were talking all about her last sickness.

Q Did he tell you anything about where she had lived? A He told me she lived in the Creek Nation; of course I didn't pay much attention to it; he said he was going down to see her.

Q Do you remember when Ellen Allen died? A It must have been in '78; somewhere along there; I don't recollect exactly. I don't remember; it seems to me I went to her funeral; I am sure I did.

COMMISSION.

Q What was the name of that brother of hers that you were talking with? A I don't remember his name; we set up together with a dead man and had a good deal of talk, but if he told me his name I have forgotten it.

ROLAND CRAWFORD

Being first duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A Roland Crawford.

Q How old are you? A I'm 64 years old.

- Q What is your post office address? A Gibson Station.  
Q Are you a citizen of the Creek Nation? A No sir.  
Q Do you know Burton Cravens? A Yes sir.  
Q How long have you known him? A Ever since his birth.  
Q Where did you first know him? A I first got acquainted with his mother in Johnson County, Arkansas. Then his mother moved from Johnson County down to Logan County and I have known them off and on ever since.  
Q What is the name of his mother? A Ellen Allen.  
Q Was she married when you first got acquainted with her? A Yes sir I suppose so; she claimed a husband.  
Q Do you know what her name was before that? A No sir.  
Q How far did you live from her when Burton was born? A About two miles I reckon; a mile and a half or two miles; she lived on the River and I lived back in the bottom.  
Q How long did you live in Johnson County after that? A I lived there until six years ago when I come here.  
Q How long has Burton's mother been dead? A I don't really know; she's been dead- I couldn't really tell you how long she's been dead.  
Q About how old was Burton Cravens when she died? A 3 or 4 years old; maybe 4 years old.  
Q Who took charge of him after she died? A I don't really know; they moved from there in another County and I didn't see him any more until he got up to be a pretty big boy running around like other boys.

Q

BY MR HASTINGS.

- Q When did you first know his mother? A I believe it was in '68.  
Q Did you ever learn where she lived before you become acquainted with her? A Well after I got acquainted with her she told me she had come from the Territory; I didn't pay much attention to it; we didn't think much about the Territory then.  
Q Do you remember if she said what part of the Territory she had come from? A No sir I don't; I didn't think much about it and I don't recollect what part she said she come from.

MARY BROWN

Being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Mary Brown.  
Q How old are you? A I'm 55 years old.



- Q What is your post office address? A Cold Hill.  
Q Where is that? A Johnson County, Arkansas.  
Q What is your post office right now; where would you get your letters if I should send you one right now? A Muskogee.  
Q How long have you lived in the Creek Nation? A I have been here two years.  
Q Where did you live before you come here? A Cold Hill, Johnson County, Arkansas.  
Q How long did you live in Johnson County, Arkansas. A I was born and raised there; I lived there all my life until I come here.  
Q Do you know Burton Gravens? A Yes sir I know him.  
Q How long have you known him? A I have known him ever since he was a baby.  
Q What was his mother's name? A Ellen Allen; Calvin Allen was the name of her husband.  
Q What was the name of his father? A Hilliard Gravens was the name of his father.  
Q When did you first get acquainted with his mother? A Well sir, just as near as I can recollect; I don't want to tell a story about it- I want to tell you the truth-- as near as I can recollect my baby was born in March 1870, and when I got acquainted with her my baby was about a year old; that was before this boy was born, and I was acquainted with her all along until this child was born, and was acquainted with her all along till she died; I seen her all along till she died.  
Q How old was Burton when she died? A Now I don't really know- I don't want to tell no story about it; as near as I can get at it I suppose he was two or three years old; I just couldn't tell you exactly.  
Q Is Hilliard Gravens dead? A Yes sir he's dead.  
Q Who took charge of Burton after his mother died? A He was raised principally by his Aunt Julia Allen; she had him when he was 7 or 8 years old; somewhere along there.  
Q Is his Aunt Julia Allen living? A Yes sir she's living  
Q Where does she live? A Somewhere in the Territory; near Redland I believe; I can't tell you just where she does live but somewhere in the Territory; I don't know exactly where.

BY MR HASTINGS

- Q Do you know where Ellen Allen lived before you got acquainted with her? A She always told me she come from the Territory Her people she said lived in the Territory and this husband of hers stole her from her people and carried her to Arkansas and married her: I have met one of her sisters since I come down here; I have talked to her a good deal about what her sickness was; she was kinder struck with paralysis like when she died.  
Q Did she ever tell you what part of the Territory she came from? A No sir she always claimed she come from the Creek Nation; she claimed to be a Creek Indian; her people she always said was Creek Indians; it has been along time ago; I didn't think anything about having to keep it in my mind and having to tell about it now.

MARY CRAWFORD

Being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Mary Crawford.  
Q How old are you? A 52 years old,  
Q What is your post office address? A Gibson Station.

BY MR HASTINGS

- Q Are you acquainted with Burton Cravens? A Yes sir.  
Q How long have you known him? A Been knowin him ever since he was born.  
Q Did you know his mother? A Yes sir I knowed his mother  
Q What was her name? A Her name was Allen; Ellen Allen.  
Q What was the name of her husband? A Calvin was the name he went by.  
Q Calvin Allen? A Yes sir Calvin Allen.  
Q When did you first get acquainted with his mother? A Down in Arkansas.  
Q When was that? A That was in '72 or '73.  
Q How close did you live to her? A I lived about 3 miles or 4 I reckon; she lived right close to my sister-in-law.  
Q Did you ever learn from her where she lived before you got acquainted with her? A She told me she come from the Territory.  
Q Did she have any other children beside Burton? A Yes sir she had a daughter.  
Q What was her name? A Rose.  
Q Is she still living? A Yes sir she's living.  
Q Did you know Ellen Allen during her lifetime and until she died? A Yes sir ever since she come to our country.

STATEMENT BY MR HASTINGS

APPLICANT has no further evidence to produce in this case.

Fifteen days time is given attorney for applicant in which to file brief, upon his request.

Mattie V. Vaughn states upon oath that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Mattie V. Vaughn

Subscribed and sworn to before me this 2nd day of December 1904.

Charles H. Harris  
Notary Public.

C. d.  
8963

No. 612

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Burton  
Cravens and Rose and Mary Batson as Creek Freedmen.

SUPPLEMENTAL STATEMENT

The record of the proceedings of the Colbert Commission in the possession of this Commission examined and it does not appear that application was made to said Commission for the admission of the applicants, or any of them, to citizenship in the Creek Nation.

The record of the proceedings of the Commission to the Five Civilized Tribes under authority of the Act of Congress, June 10, 1896 examined and it does not appear that application was made to the Commission for the admission of the applicants, or any of them, to citizenship in the Creek Nation.

The Tribal Rolls of the Creek Nation in the possession of the Commission examined and the names of the applicants, or any of them, not found on any of said rolls.



Commissioner

Muskogee, Indian Territory,

December 10, 1904.

P. H.

No. 612

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Burton Cravens, Rose Batson and Mary Batson as Creek Freedmen.

DECISION.

THE RECORD in this case shows that on August 10, 1904, Burton Cravens appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Creek Freedman, and that on August 24, 1904, Rose Batson appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her minor child, Mary Batson, as Creek Freedmen, and that said application was consolidated with the application of Burton Cravens herein. Further proceedings were had November 28, November 30 and December 10, 1904.

The evidence shows that the applicants, or any of them, are not the descendants of a person whose name appears on the Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867; that said Mary Batson is the minor child of said Rose Batson, and that no claim is made that the father of said minor child is entitled to enrollment as a citizen of the Creek Nation.

It does not appear from the evidence that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor have they, or any of them, ever been admitted to citizenship in said nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority, of law for the enrollment of said Burton Cravens, Rose Batson and Mary Batson, or any of them, as Creek Freedmen, and that the applications for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

CHAIRMAN

COMMISSIONER

COMMISSIONER

MUSKOGEE, INDIAN TERRITORY

MAR 15 1905

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Norton Gravena, Rose Watson  
and Mary Watson, for enrollment as Creek Freedmen.

MOTION TO REVIEW.

Come now the applicants herein and move that the above entitled  
cause be reviewed for the reason that the applicants are descendants of  
a Creek Freedman who complied with the treaty of 1866, born since said  
treaty was made and since compliance with said treaty.

Respectfully submitted this 22 day of June, 1906.

By \_\_\_\_\_

Attorney.

Service of a copy of the foregoing motion accepted this \_\_\_\_\_ day of June  
1906.

\_\_\_\_\_  
Attorney for the Creek Nation.

No. 612

In the matter of the  
Application of  
Burlen Cravens  
et al. —  
for enrollment as  
citizens of the  
Free Nation

—"

Brief of  
Applicants.

—"

December 13, 1904



En 612

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Burton Cravens et al.  
for enrollment as citizens of the Creek Nation.

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BRIEF FOR APPLICANTS.

The testimony in this application shows that the applicant is a descendant of <sup>Smith or Kentie</sup> Ellen ~~Grayson~~, who was the slave of a Creek citizen up to the time that the slaves were freed. The testimony further shows that Ellen, <sup>Smith or Kentie</sup> ~~Grayson~~, the mother of these applicants was residing in the Creek Nation at the close of the war, or immediately thereafter--at least within one year from the ratification of the treaty of 1866. The treaty of 1866, Article II, provides:

" x x x x inasmuch as there are among the Creeks many persons of African descent, who have no interest in the soil, it is stipulated that hereafter these persons, lawfully residing in said Creek country, under their laws and usages, or who have been thus residing in said country, and may return within one year from the ratification of this treaty, and their descendants and such others of the same race as may be permitted by the laws of said Nation to settle within the limits of the jurisdiction of the Creek Nation as citizens (thereof), shall have and enjoy all the rights and privileges of native citizens, including an equal interest in the soil and national funds; x x x x.

This treaty provides for:

1st;--Persons of African descent, "lawfully residing in said Creek country, under their laws and usages".

2nd;--Persons of African descent "who have been thus residing in said country and may return within one year from the ratification of this treaty" (Prior to Aug. 11, 1867).

3rd;--Descendants of the two classes above mentioned.

4th;--Such other persons of African descent as may be permitted by the laws of said nation to settle within the limits of the jurisdiction of the Creek Nation as citizens (thereof)".

It provides that these four classes of persons of African descent "shall have and enjoy all the rights and privileges of native citizens, including an equal interest in the soil and national funds".

The applicants in these cases belong to the third class. The act of Congress, commonly known as the Curtis Act in Section 21, relative to the enrollment of Creek Freedmen, provides as follows:

"The roll of Creek freedmen made by J.V. Dunn, under authority of the United States, prior to March fourteenth, eighteen hundred and sixty-seven, is hereby confirmed, and said commission is directed to enroll all persons now living whose names are found on said rolls, and all descendants born since the date of said roll to persons whose names are found thereon, with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation."

The language of the treaty of 1866 is plain and only one construction can be placed upon it. Its object was to adopt and confer citizenship upon Creek slaves and their descendants, permitting them to "enjoy all the rights and privileges of native citizens, including an equal interest in the soil and national funds." This treaty is still in force. The provisions thereof have never been repealed. On the other hand the last Creek Treaty provides:

"Sec. 28. All citizens ~~by name~~, entitled to be enrolled under section twenty one of the Act of Congress approved June twenty-eight, eighteen hundred and ninety-eight, entitled "An Act for the protection of the people of the Indian Territory, and for other purposes," shall be placed upon the rolls etc."

The language of said act of congress under which the applicants claim a right to be enrolled is: "With such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation" as above quoted.

If those freedmen adopted by the treaty of 1866 were not admitted by lawful authority, then no freedman who has been enrolled by the Commission to the Five Civilized Tribes has been admitted by lawful authority.

An effort was made by J.V. Dunn to make a roll of citizens admitted by the treaty of 1866, but he spent only a short time in this effort, and it was at a time when they were badly scattered over the Creek Nation, and many of them knew nothing about the effort being made to enroll them. There were no railroads, and few post offices, and the freedmen were without an education.

It has been contended (but not by Creek citizens who know) that the Dunn Roll is complete although only a few months was spent in its preparation. The Daves Commission has been engaged in making a roll since April 1st, 1899. Railroads have been built, post offices established, citizens educated and the whereabouts of citizens pretty well known, yet the roll is not completed in nearly six years. It cannot then, be contended that Major Dunn made a complete roll in a few months.

The Dunn roll was completed prior to March 1867. The treaty of 1866 was not proclaimed until Aug. 11, 1866. This treaty adopted all who returned prior to Aug. 11th, 1867. Then those who returned between 'prior to March 1867' and 'Aug. 11th 1867' could not possibly appear on the Dunn Roll, although they had exactly the same rights under the treaty. It is a well known fact among citizens of the Creek Nation, and has been testified to by citizens, that the Dunn Roll was incomplete in that a large number of freedmen were residing in the Creek Nation at the time the roll was made, and their names do not appear on said roll.

Another thing that has caused considerable trouble, is identifying citizens, or locating their names or the names of their ancestors on the Dunn Roll. The Creek citizens, especially the freedmen have gone by many different names. Some times it is impossible to get them to tell the name by which they were placed on the Dunn Roll for the reason they go by a different name now and have forgotten. It is much more difficult where the applicant is a descendant, and the ancestor is dead for the child may not have heard of the name by which the parent was enrolled.

Even though the mother of the applicant was not enrolled on the Dunn Roll ( and it is impossible to ascertain absolutely) the applicants are entitled to enrollment as descendants of

a Creek Freedman who was admitted by the treaty of 1866.

Respectfully submitted this 11th day of Dec., 1904.

*E. Hastain*

Attorney for Applicants.

I, E. Hastain, of lawful age, being duly sworn, state that I this day mailed by registered letter a true copy of the foregoing brief to the attorney for the Creek Nation, for the reason that said National Attorney preferred not to accept service and requested that service be given him by registered letter. I further state that I have attached the registry receipt hereto.

*E. Hastain*

Subscribed and sworn to before me this 12th day of Dec., 1904.

*Edward C. Griesed*

Notary Public.

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U. S. P. O. Registry Receipt

Letter  
Parcel

No.

P. O. MUSKOGEE, IND. TER.

Received for registration

190 from

addressed to

class postage prepaid

Postmaster, per

Gr.No.512.

Muskogee, Indian Territory, April 15, 1905.

The Honorable

The Secretary of the Interior

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Burton Gravens et al., as Creek Freedmen, including the decision of the Commission, dated March 10, 1905,

Respectfully,

Chairman.

Through the Commissioner  
of Indian Affairs.

IM-4-14-39.

Cr. No. 618.

Muskogee, Indian Territory, April 18, 1906.

Rose Batson,

Bufaula, Indian Territory .

Dear Madam:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and your minor child, Rose Batson, as Creek Freedmen, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*Tamie Kirby.*

Chairman.

Register.  
IM-4-14-36.



Copy.  
Cr. No. 512.

Muskogee, Indian Territory, April 18, 1905.

Burton Cravens,

Wybark, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED.

James D. Kirby.

Register.  
IN-4-14-34.

Chairman.

COPY.

Cr.En.612.

Muskogee, Indian Territory, April 15, 1906.

X. Hastain,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Burton Cravens as a Creek Freedman, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED:

Chairman.

IX-4-14-41.

Cr.M.612.

Muskogee, Indian Territory, April 15, 1905.

M. L. Mott,  
Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Burton Cravens as a Creek Freedman, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

IM-4-14-35.

Chairman,

U.S.

DEPARTMENT OF THE INTERIOR, LLE  
Washington.

I.F.D. 4636-1908  
L.R.S.

June 20, 1908.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

April 15, 1905, you transmitted the record of the application of Burton Gravens for his enrollment as a Creek freedman, and of Rose Batson for the enrollment of herself and her minor child, Mary Batson, as Creek freedmen, including your decision dated March 15, 1905, adverse to all the applicants.

April 29, 1905, the Acting Commissioner of Indian Affairs reporting in the matter, recommended that your decision adverse to all the applicants be affirmed. A copy of this letter is inclosed.

The Department concurs in the recommendation made and your decision dated March 15, 1905, denying the application of Burton Gravens for his enrollment as a Creek freedman and of Rose Batson for the enrollment of herself and her minor child, Mary Batson, as Creek freedmen, is hereby affirmed.

Respectfully,

E A Hitchcock  
Secretary.

1 inclosure.

Refer in reply to the following:  
1444,  
SEN 2-1908

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, April 20, 1908.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 15, 1908, transmitting the application for enrollment as Creek Freedmen by Burton Gravens for himself, and by Rose Batson for herself, and her minor child, Mary Batson.

March 15, 1908, the Commission decided adversely to all the applicants.

The records show that none of the applicants is a descendant of a person whose name appears on the Dunn Roll, and no claim is made that the father of the minor, Mary Batson, is entitled to enrollment as a citizen of the Creek Nation.

It does not appear that any of the applicants has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

G.F. Larrabee

Acting Commissioner.

W.M.M.

COMMISSIONERS:  
TAMM HENRY,  
THOMAS B. NEEDLES,  
C. E. BRACKENRIDGE.

WM. O. BEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPLY IN WRITING TO THE FOLLOWING

Gr. No. 612.

H. G. H.

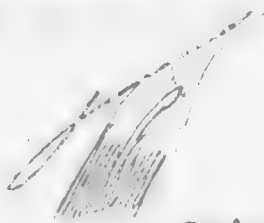
Muskogee, Indian Territory, June 28, 1905.

Burton Gravens,  
Mufaula, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 20, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying your application for enrollment as a Creek Freedman.

Respectfully,



Chairman.



\*  
Or. En. 612.

Muskogee, Indian Territory, June 28, 1905.

Rose Batson,

Enferle, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 20, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of yourself and your minor child, Ray Batson, as Creek Freedmen.

Respectfully,

Chas. Irwin.

Cr.Mn. 614.

Muskogee, Indian Territory, June 28, 1905.

Mr. J. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of June 20, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of Burton Gravens et al., as Creek Freedmen.

Respectfully,

Chairman.

Cr. En. 619.

Muskogee, Indian Territory, June 22, 1906.

E. Mastain,

Attorney for Burton Gravens et al.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 20, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of Burton Gravens et al., as Creek Freedmen.

Respectfully,

Chairman.

Mustogee, Indian Territory, July 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of June 20, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated March 15, 1905, denying the application for the enrollment of Burton Gravens, Rose Batson and Mary Batson as Creek freedmen.

There is inclosed herewith motion to review said cause filed with this office June 20, 1906.

I am of the opinion that the statement set forth in said motion as grounds for review "that the applicants are descendants of a Creek freedman who complied with the treaty of 1866, born since said treaty was made and since compliance with said treaty", even

-2-

were same conclusively established by evidence, would not be material in the case.

In view of the facts in the case and in view of the provisions of that portion of section 3 of the act of Congress approved April 26, 1906 (Public No. 129), having special reference to the enrollment of Creek freedmen and in view of the opinion of the Assistant Attorney General for the Department, under date of May 31, 1906, (I.T.D. 5286-1906), in the matter of the application for the enrollment of Prissie Carruthers as a Creek freedman, I am of the opinion that said applicants are not entitled to be enrolled as Creek freedmen and respectfully recommend that said motion to review be denied.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Commissioner.

AG-28

CH  
LLB

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

December 8, 1906.

I.T.D. 4636-1905.  
15378-1906.  
D.C. 54436-1906.

LRS.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

July 28, 1906, you transmitted a motion for review of departmental decision of June 20, 1906 (I.T.D. 4686), affirming the decision of the Commission to the Five Civilized Tribes of March 15, 1906, denying the application of Burton Gravens for his enrollment as a Creek freedman and also the application of Rose Batson for the enrollment of herself and her minor child, Mary Batson, as Creek freedmen.

The record shows that Burton Gravens was born in Johnson County, Arkansas, since the making of the Dunn roll of 1867, and it is shown that his mother, Ellen Allen, formerly Ellen Smith, formerly Ellen Rentie, was living in Johnson County, Arkansas, at the date of the birth of Burton Gravens, about 1873, and that she died in said State about the year 1884. Her name, either as Ellen Allen, Ellen Smith, or Ellen Rentie, does not appear upon the Dunn roll, as stated by the Commission in the record.



In view of section 3 of the act of Congress approved April 30, 1906 (34 Stat., 137), and in accordance with the approved opinion of the Assistant Attorney General for this Department in the matter of the application of Priscilla Garruthers for enrollment as a Greek freedman (I.T.D. 10010-1006), said motion for review is hereby denied.

You will advise applicant and his attorney of record of this action.

The original record and papers filed on motion for review have this day been returned for the files of the Indian Office.

Respectfully,

(Signed) Thom. Ryan,

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

4 inclosures.

Cr. No. 815.

Muskogee, Indian Territory, December 22, 1906.

Ross Watson,

Wafaula, Indian Territory.

Dear Madam:

You are hereby advised that under date of December 8, 1906, the Department denied motion for review filed with this office June 22, 1906 in the matter of the application for the enrollment of Hurten Graven, yourself and your minor child Mary Watson as Creek Freedmen.

Respectfully,

Acting Commissioner.

Cr. En. 612.

Muskogee, Indian Territory, December 22, 1906.

M. L. Mott,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of December 8, 1906 the Department denied motion for review filed with this office June 22, 1906 in the matter of the application for the enrollment of Burton Gravens, Rose Batson and Mary Batson as Creek freedmen.

Respectfully,

Acting Commissioner.

Dr. H. H. H.

Muskogee, Indian Territory, December 22, 1906.

M. H. H.

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of December 8, 1906, the Department denied motion for review filed with this office June 22, 1906 in the matter of the application for the enrollment of Burton Watson, Russ Watson and Mary Watson as Creek Freedmen.

Respectfully,

Acting Commissioner.

GP: En: 012.

Wichita, Indian Territory, December 22, 1906.

Burton Grayson,

Wyand, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of December 8, 1906 denied motion for review filed with this office June 22, 1906 in the matter of the application for your enrollment, also for the enrollment of Rose Watson and her minor child Mary Watson as Creek freedmen.

Respectfully,

Acting Commissioner.

Q EN 613

CR EN 613



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 10, 1904.

In the matter of the application for the enrollment of Alice Fields as a Creek Freedman.

HATTIE FIELDS, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Hattie Fields.  
Q How old are you? A Twenty-eight.  
Q What is your post office address? A Stonybluff.  
Q Do you make application for the enrollment of Alice Fields as a Creek Freedman? A Yes, sir.  
Q Is he living or dead? A Dead.  
Q What town in the Creek Nation did he belong to? A Concharito.  
Q How old was he when he died? A Twenty.  
Q Did he have any Creek blood or was he a Freedman? A Freedman.  
Q When did he die? A Died in 1890.  
Q What time in 1890? A September 7.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q Filed on your own land did you? A Yes, sir.  
Q Was he living when you filed on your land? A He was dead.  
Q How long had he been dead when you filed on your land? A I don't know.  
Q Was it a month, two months or a year? A I don't know how long.

CURLEY ROWE, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Curley Rowe.  
Q What is your age? A Thirty-two.  
Q What is your post office address? A Haskell.  
Q Did you know Alice Fields? A Yes, sir.  
Q Was he any relation to you? A No, sir.  
Q He is dead is he? A Yes, sir.  
Q Do you know when he died? A September 7, 1890.  
Q How is it you remember his death? A I was at his burial.  
Q That might be. Do you remember the date of the death of every one whose funeral you attend? A No, sir, not every one.  
Q How is it you remember his death? A We were schoolmates together and by that I remember the time.  
Q Do you know Hattie Fields? A Yes, sir.  
Q How long have you known her? A Grewed up together.  
Q Do you remember of her coming here to file on her land? A I don't know.  
Q Do you remember she came? A Yes, sir.  
Q Was he dead then or living? A Dead.  
Q How long had he been dead? A I don't know how long---about a year I suppose.

The 1890 Authenticated Tribal Roll of the Creek Nation examined and Alice Fields identified thereon, Page 26, Concharito Town.

The 1898 Pay Roll of the Creek Nation examined and Alice Fields identified thereon, No. 122, Concharito Town.

The records of the Commission examined and it appears that citizenship certificate was issued to Hattie Fields, August 29, 1890, and that she made application for allotment of land in the Creek Nation on that day.

Alce Fields---B.

HATTIE FIELDER re-called:

By Commissioner  
Q Did you make a record of the date of the death of Alce Fields?  
A Yes, sir.  
Q When did you write that? A The day he died.  
Q Have you that record at home? A Yes, sir.  
Q The same record? A Yes, sir.  
Q What is it written with? A Pencil.  
Q A black pencil? A Yes, sir.  
Q Who wrote it? A I wrote it and my sister got the same record.  
Q And did you write it down? A Yes, sir.  
Q Is there any other writing in that book about deaths? A No, sir.  
Q No other except Alce Fields? A No, sir.  
Q And you tell about the birth of any one? A Yes, sir. There is  
the birth of some children.

The applicant, within which she states the same entry as  
made in her record that she has at home. The same is made  
part of the record herein, and she is advised that it will be  
sufficient for her to produce the record of the death of Alce  
Fields to the Commission.

This case is submitted for further testimony.

-----|O|-----

I, HENRY H. FRANKS, an oath state that the above and foregoing  
is a full, true and complete transcript of my stenographic notes as  
taken in said case on said date.

*Henry H. Franks*

Testimony was given to before me this 10th day of August, 1904.

*Charles H. Franks*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T., August 13, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Alee Fields, deceased, as a citizen of the Creek Nation.

NATTIE FIELDS, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Nattie Fields.  
Q Are you the same person who made application for the enrollment of Alee Fields as a Creek Freedman? A Yes, sir.

The witness presents for the inspection of the Commission a book the title of which is "Miltons Paradise Lost." Upon one of the leaves of said book is written what purports to be the date of the death of Alee Fields.

Q When did Alee Fields die? A About 1899.  
Q What time in 1899? A September 7.  
Q Did you do this writing in the book? A Yes, sir.  
Q When did you do that? A The day that he died.  
Q How came you to write this in the book? A I wanted to keep the date.  
Q Where did you get this book? A A teacher gave it to me when I was going to school.  
Q How long since you quit school? A Eight or ten years.  
Q She gave you this book when you were at school? A Yes, sir.  
Q Have you any other brothers or sisters dead? A No, sir.  
Q None at all? A No, sir.  
Q Are you married? A No, sir.  
Q Is your father living? A No, sir.  
Q How long has he been dead? A He been dead in 1900.  
Q Did you put down the date of his death? A Yes, sir.  
Q Why didn't you put that down? A My sister has that.  
Q Has she got down the date of Alee's death? A Yes, sir.  
Q Why did you put down the date of Alee's death and didn't put down the date of the death of your father? A I lost the date of his death.  
Q Is your mother living? A No, sir.  
Q When did your father die? A 1900 but I don't know the day.  
Q How long has your mother been dead? A Ever since I was a child.  
Q Did the teacher write anything in the book when she gave it to you? A No, sir.  
Q How came one of these leaves torn out? A It was torn out when she gave it to me.

---00000000---

I, Dorman G. Shaggs, do oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 24<sup>th</sup> day of August, 1904.

*Dorman G. Shaggs*  
*Edward H. H. H.*

701. 010.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Ocmulgee, I. T., October 10, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the  
enrollment of Alex Fields, deceased, as a Creek Freedman:

IRON PETERS, being duly sworn, testified as follows:

By Commission:  
Q What is your name? A Iron Peters.  
Q How old are you? A Thirty-six.  
Q What is your post office address? A Hardy, I. T.  
Q You are a member of the House of Warriors for Chickasaw town are  
you? A Yes, sir.  
Q Did you know Alex Fields? A Yes, sir.  
Q He is dead is he? A Yes, sir.  
Q Do you know when he died? A I know he died. I can't remember but  
it was along in 1898 or 1899. I got the list of them made in 1899.  
Q Who made that list? A I did.  
Q Do you know that he died before the Creek Land Office opened? A  
Yes, sir.  
Q Do you know Curley Howe? A Yes, sir.  
Q Is he any kin to Alex Fields? A I think he is.  
Q He stated that Alex Fields died in 1899? A It might have been  
another Alex Fields then.  
Q And Mattie Fields swears that he died in 1899. Do you have a list  
of the members of your town that died? A Yes, sir, since 1899.  
Q You have a list of all the members of your town that have died  
since 1899? A Yes, sir.  
Q According to your list he died in 1899? A Yes, sir.  
Q When did you write that down on your list? A In that same year  
I guess. I keep it all down. They used to live outside of our town  
but then as soon as I would hear of the death of one of the members I  
would put it down in that year and if I knew the date of the month  
and year I would put it down.  
Q Did you put it down on your list in 1899? A Yes, sir.

\*\*\*\*\*

I, BRENNAN G. BRADY, do hereby state that the above and foregoing  
is a full and true transcript of my stenographic notes as taken in  
said case on said date.

Subscribed and sworn to before me this 10th day of October, 1904.

*[Signature]*  
B. G. Brady

*Ch.*

En. 613

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Aleo Fields, deceased, as a Creek Freedman.

- I D E C I S I O N :-

The record in this case shows that on August 10, 1904, Hattie Fielder appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Aleo Fields, deceased, as a Creek Freedman. Further proceedings were had at Muskogee, Indian Territory, August 15, 1904, and at Okmulgee, Indian Territory, October 13, 1904.

The evidence shows that said Aleo Fields, deceased, died prior to April 1, 1900.

It is, therefore, the opinion of this Commission that there is no authority of law for the enrollment of said Aleo Fields, deceased, as a Creek Freedman and that the application for his enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES



Chairman



Commissioner



Commissioner

Muskogee, Indian Territory

JUN 1 1905

Cr. In. 615.

Muskogee, Indian Territory, June 26, 1906.

Mattie Fields,  
Stonebluff, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Alee Fields, deceased, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.  
IM-6-26-266.

Chairman.



Gr. 2A.014.

MINNEAPOLIS, Indian Territory, June 26, 1905.

Mr. J. H. H. H.

Attorney for Creek Nation.

**Muskogee, Indian Territory:**

1111

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Adam Field, deceased, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

He was a truly

CHANDRAN.

Figure 1

SP:AM: 610:

Muskogee, Indian Territory, June 20, 1900:

The Honorable,  
The Secretary of the Interior:

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Alton Wilson, deceased, as a Creek Freedman, including the decision of the Commission, dated June 14, 1900.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs:

IM-6-46-46A.

En- 613

I.T.D. 8604-1908.

CR. 113. 124.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, August 8, 1908.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

June 26, 1908, the Commission to the Five Civilized Tribes transmitted the record of the application made by Kattie Fields for the enrollment of Alice Fields (deceased) as a Creek Freedman, including the decision of the Commission dated June 14, 1908, denying said application.

July 18, 1908, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission dated June 14, 1908, denying said application be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated June 14, 1908, denying the application made by Kattie Fields for the enrollment of Alice Fields (deceased) as a Creek Freedman is hereby affirmed.

Respectfully,

(Signed) Theo. Ryan,  
Acting Secretary.

1 inclosure.

Refer in reply to the following:  
Land: 49887-1906.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, July 18, 1906.

The Honorable,  
The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 26, 1905, transmitting the record of the application for enrollment as a Creek Freedman by Hattie Fields for Alec Fields, deceased.

June 14, 1905, the Commission decided adversely to the application.

The record shows that Alec Fields died prior to April 1, 1899.

In view of the record the approval of the Commission's decision adverse to the application is recommended.

Very respectfully,

G.F. Larrabee,

Acting Commissioner.

M.M.M.W.

Nn. 621

Muskogee, Indian Territory, August 15, 1908.

Hattie Fields,  
Stonobluff, Indian Territory.

Dear Madam:

You are hereby notified that under date of August 8, 1908, the Department affirmed the decision of the Commission to the Five Civilized Tribes dated June 14, 1908, denying the application made by you for the enrollment of Ales Fields, deceased, as a Creek Freedman:

Respectfully,

Acting Commissioner.

En. 13

Muskogee, Indian Territory, August 25, 1905.

M. L. Nett,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that under date of August 1, 1905, the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1905, denying the application for the enrollment of Alex Fields, deceased, as a Creek Freeman.

Respectfully,

Acting Commissioner.



CR EN 614

CR EN 614

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 10, 1904.

In the matter of the application for the enrollment of Nancy Taylor as a Creek Freedman.

( Cheesie McIntosh, Atty. for applicant.  
APPEARANCES:  
( M. L. Mott, Atty. for Creek Nation.

NANCY TAYLOR, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Nancy Taylor.  
Q What is your age? A Fifty-two years old.  
Q What is your post office address? A Muskogee.  
Q Do you make application for enrollment as a Creek Freedman? A Yes, sir.  
Q What town do you claim to belong to? A I live in Muskogee.  
Q Did you ever draw any money from the Creek Nation? A No, sir.  
Q Was any money ever drawn for you from the Creek Nation? A No, sir.  
Q Where were you born? A In the Creek Nation.  
Q Have you lived in the Creek Nation all your life? A I been living out. Some times here and sometimes gone.  
Q How long after you were born did you live in the Creek Nation? A I guess I was pretty near seven years old.  
Q Then where did you go? A I was in Parsons quite a while and then went out west.  
Q How long did you stay out west? A About two years.  
Q Then where did you go? A Back to Muskogee.  
Q Then how long did you stay in the Creek Nation? A About two years and a half.  
Q Where did you live before you came back to the Creek Nation? A I was with my daughter in Kansas City, Kansas.  
Q What is the name of your father? A Sandy Perryman.  
Q Is he living or dead? A They say he is dead.  
Q How long has he been dead? A Nineteen years.  
Q Is he a citizen of the Creek Nation? A Yes, sir.  
Q What is the name of your mother? A Betsy Taylor.  
Q Is she living? A Dead.  
Q How long has she been dead? A I can't remember.  
Q Have you any brothers and sisters? A Yes, sir. Charlie is here in Town.  
Q Charlie who? A Charlie Perryman.  
Q Is he a citizen of the Creek Nation? A Yes, sir.  
Q Is there any other brother? A Yes, sir.  
Q What is his name? A John Perryman.  
Q Is he a citizen of the Creek Nation? A Yes, sir.  
Q Did you ever have any sisters? A Yes, sir, but they were dead a long time.  
Q What were their names? A One was named Mary Perryman.  
Q Was she married? A Yes, sir.  
Q What is the name of her husband? A Lewis Rogers.  
Q Then her name was Rogers? A Yes, sir.  
Q Did you have any other sister? A Had one.  
Q What was her name? A Lucy.  
Q Where is she? A Dead a long time ago.  
Q Was she ever married? A No, sir.

Nancy Taylor---8.

- Q What was the name of her father? A Sandy Perryman.  
Q They are full sisters of yours? A Yes, sir.  
Q Did Mary have more than one husband? A No, sir. His name was Lewis Rogers.  
Q Was you here soon after the close of the War? A Yes, sir.  
Q Was you here when the Dunn Roll was made? A I don't think I was. I don't know.  
Q Was your father a Freedman? A Yes, sir.  
Q Was he ever known by any other name except Sandy Perryman? A No, sir.

WILLIAM McINTOSH, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A William McIntosh.  
Q How old are you? A About sixty-seven.  
Q What is your post office address? A Ridge.  
Q You are a citizen of the Creek Nation are you? A Yes, sir.  
Q Do you know Nancy Taylor? A Yes, sir.  
Q How long have you known her? A Been about three year since I known Nancy Taylor.  
Q Did you ever know her by any other name? A I known her by Nancy Perryman.  
Q What I want to know is how long you have known this applicant here (indicating the woman who just testified under the name of Nancy Taylor)? A I known her a long time.  
Q About how long? A It has been about thirty or thirty-five years.  
Q What is the name of her father? A Sandy Perryman.  
Q Was he ever known by any other name? A Not that I know of.  
Q What is the name of her mother? A We used to call her Bibbie.  
Q Who did Bibbie belong to? A I don't know who she belong to. She must have belong to some of these parties away out here. She married an old man named Pompey Redmouth. And that is about as far as my knowing of that family. She lived with Pompey.  
Q Did Bibbie have any other children besides Nancy? A Yes, sir.  
Q What were their names? A John and she had a girl we called her Bibbie but she had another name and they were the only children she had.  
Q The only ones she had? A To my knowing.  
Q You don't know the girl's name? A I can't think of it.  
Q Was Charlie Perryman a full brother of Nancy? A Half brother.  
Q What was the name of Charlie's mother? A I am trying to think of the name but I can't think of it--I don't remember the name.  
Q Was John Perryman a full brother of Nancy? A Yes, sir.  
Q Same father and same mother? A Yes, sir.  
Q Do you know whether the mother of Nancy and John was ever called Watson or not? A No, sir, I don't know positive.  
Q Do you know the names of Pompey Redmouth's children? A George, Maggie and Clarinda.  
Q Is your name on the Dunn Roll? A I expect you will find it mighty near first.  
Q Was Bibbie here when the Dunn Roll was made? A Yes, sir.  
Q Who was she living with then? A Old man Pompey Redmouth.

EDDY GENTRY, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Eddy Gentry.  
Q What is your age? A Fifty-six years old.  
Q What is your post office address? A Muskogee.  
Q Did you ever know Pompey Redmouth? A No.  
Q Do you know Nancy Taylor? A Yes, sir.

Nancy Taylor---3.

- Q How long have you known her? A I knowed her----I don't know exactly but I guess about 25.  
Q Was she ever known by any other name? A Yes, sir.  
Q What was it? A Perryman.  
Q Was there any other? A Not that I know of. Her father was named Dandy Perryman.  
Q Did you know her mother? A No, sir, I don't know her.

NANCY TAYLOR re-called:

- By Commission:  
Q Was your mother once married to Pompey Redmouth? A No, sir.  
Q William McIntosh stated that she was? A Well she might have been I don't know.  
Q Did you know Pompey Redmouth? A No, sir.  
Q Did you know anyone by the name of John Watson? A No, sir.  
Q Do you know Janie Holmes? A I don't know her.

This case is continued and the applicant is advised that the Commission desires the testimony of John Perryman in this case.

-----()-----

I, Brennan O. Skaggs, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

Brennan O. Skaggs

Subscribed and sworn to before me this 20th day of August, 1904.

Charles H. Jacobson  
Notary Public

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUNKOOKS, I.T. DEC. 18, 1904.

Supplemental testimony

In the matter of the application for the enrollment of Nancy Taylor as a Creek Freedman.

John Perryman being duly sworn, testified as follows:

My Commission:

Q What is your name? A John Perryman.  
Q How old are you? A Forty one.  
Q What is your post office address? A Clarksville.  
Q Do you know Nancy Taylor? A Yes sir.  
Q Any kin to you? A Yes sir. She's my sister.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q Did you and Nancy have the same father and same mother? A Yes sir, we had the same.  
Q What is the name of your father? A Sandy Perryman.  
Q What is the name of your mother? A Let's see, what was her name? (Addressed to Nancy Taylor who is present, by the witness, and she says "Netey".)  
Q Did you ever know anybody by the name of Bibbie Perryman? A Well, sir, there's so many Bibles I don't know.  
Q Nancy is older than you, is she? A Yes sir.  
Q Where were you born? A On Red River.  
Q During the war? A No sir, I was small I guess, can't tell anything about it.  
Q Well, were you born during the war? A Yes sir.  
Q Do you remember anything about coming back to the Creek Nation?  
A Yes sir, I recollect right smart.

Records of the Commission show that John Perryman is listed for enrollment on Creek Freedman Card Field No. 876, and that his name is contained in the partial list of Creek Freedmen approved by the Bureau Secretary of the Interior March 20, 1904, No. 876.

Q Who was your owner, do you know? A I was so small I can't tell.  
Q Haven't you heard any of them say whom you belonged to? A Yes sir, Tom Watson.  
Q Did you have any other brothers and sisters? A Yes sir.  
Q What were their names? A There was Jack Perryman, Charlie Perryman and Alex.  
Q Is he living? A Yes sir, the boys are all living but the girls all died except this woman.  
Q Are they citizens of the Creek Nation? A Yes sir, there are only 1/2 brothers of both of us have one father.  
Q Well, Nancy is your full sister? A Yes sir.  
Q Did you ever know anybody by the name of Pompey Redmunt? A Yes sir.  
Q Any kin to you? A No sir.  
Q Did you ever live in his family? A I have been in his family.  
Q Did you ever know anybody by the name of Goldie Watson? A No sir.  
Q Did you ever know Bibbie Watson? A Yes sir, I know that name.  
Q Any kin to you? A Yes sir.  
Q What kin? A She was my mother; they called her different names; Bibbie and Maggie.

Q Did you have another full sister besides Nancy? A No sir.  
 Q Did you have any half sisters? A Yes sir, I had two; she died.  
 Q What was her name? A Abby I believe they called her.  
 Q Did you know Jane Thomas? A Yes sir; a step-sister of mine.  
 Q Did they ever call her Jane Watson? A No sir; I don't recollect of that.  
 Q Was Pompey Redmouth any kin to you? A No sir, just a step-father  
 Q He married your mother? A Yes sir.  
 Q Did he have any children about the time you lived in his family?  
 A Yes sir.  
 Q What were their names? A One named Maggie and Clara and John; one boy and two girls.  
 Q Is that all he had? A That's all I know; of course I was small when him and our mother was together.  
 Q Did you have a sister named Mary? A No sir.  
 Q Did you have a sister named Lucy? A No sir.  
 Q Did you ever know anybody by the name of Lewis Rogers? A No sir.  
 Q Did Pompey Redmouth have anybody living in his family when you lived with him by the name of Nancy? A No sir-- that's a sister of mine; she's dead.  
 Q A sister of yours that died? A Yes sir.  
 Q Was she your full sister? A Yes sir, full sister of mine; one mother and father.  
 Q And she died? A Yes sir.  
 Q Then did you have another full sister named Nancy? A Well, this woman here, if I don't make a mistake.  
 Q Do you know whether this woman is your full sister or not? A Yes sir, I always heard my father speak of a daughter that was gone away; I have heard him speak of her when I was little; when she got from I saw her.  
 Q What did he tell you that her name was? A He gave it just like we do.  
 Q I am asking you what he told you? A Its so long I don't remember; it sound like Nancy, but I don't know.  
 Q Are you prepared to say that your father had two children by the same woman both of them named Nancy? A Yes sir, it sounds like Nancy but I don't know; of course sometimes he called her Sis.  
 Q Was this Nancy that died older than you or younger? A She was older than I; I think.  
 Q Was she next to you- or you next to her? A She was next to me  
 Q Next older? A Yes sir.  
 Q Now, how old were you when that Nancy that's dead, died? A I can't tell; I might have been about 15 years; hardly that I don't suppose.  
 Q Did this applicant here come back with your family from Red River just after the war or do you remember about that? A Well, I hardly remember; I recollect though that when we came from Red River we camped on the river, and I heard the mother talking about the war; it was mighty near peace then.  
 Q Do you know George Redmouth? A I don't believe I does.  
 Q Do you know George Pompey? A Yes sir.  
 Q Is he in town, or do you know? A I don't think he is in town.  
 Q Where does he live? A No is a fellow stops most anywhere.  
 Q Do you know Maggie Pen? A Yes sir. She was a sister of this George.  
 Q Where does she live? A Over Across the Verdigris.  
 Q Post office, Wagoner? A I think so.  
 Q How long has this applicant here been back in the Creek Nation that you know of-- this woman who says her name is Nancy Taylor?  
 A I think about a year or so.  
 Q How long before that had it been that you had see her? A Quite a while.  
 Q As near as you can come at it? A About 2 or 3 years.  
 Q Where did you see her then? A I seen her right here.



Q She was a grown woman the first time you remember seeing her?

A She was small; I was a little bit of a fellow; heard my father talking about having a daughter and said that was his daughter.

Q Where was she the first time you remember seeing her? A I seen her right in town here.

Q Was she a grown woman the first time you remember of seeing her?

A Yes sir, she was a grown woman like she is now.

Q A married woman? A I don't know whether she was or not; she might have been.

The applicant is present and she is hereby notified that the Commission desires the evidence of George Pompey, Maggie Pea and Clender Rice in this case. The post office address of the first two appears to be Wagoner, and the last named, Clarksville.

Nancy Taylor being duly sworn testified as follows:

By the Commission:

Q What is your name? A Nancy Taylor.

Q You are the applicant in this case? A Yes sir.

Q Just state what you know of your early history; about where you were when you can first remember, etc. A When I first remember I lived in the Chickasaw Nation with this woman that kept me; my first remembrance was being with her.

Q What was that woman's name that you first remember livin' with?

A Sallie McElish: some such name.

Q That was in the Chickasaw Nation? A Yes sir.

Q How long did you live with her? A I don't know.

Q Did you live with her until you was a grown woman? A Only for a time.

Q Then whom did you live with? A Some colored folks I stayed with him-- named Joe-- about a year and then Taylor married me.

Q Did you ever live with your father and mother after the slaves were freed? A No sir; these people taken me away, I don't remember but they say I was young, very young.

Q About how old were you when you first came to the Creek Nation? Were you a married woman then? A Yes sir, I guess I married when I was about 14 years old.

Q Then how long after that when you came to the Creek Nation?

A I don't know how long; I was a grown woman already.

Q Where is Taylor? A He is dead.

Q Who told you that you was the daughter of Sandy Perryman? A Some --so many people told me; I have heard it all the time; they say I have seen him but I can't remember cause these people kept me.

Q Was he living when you came back to the Creek Nation? A He lived 18 years I think.

Q Was he living when you first came back to the Creek Nation? A He lived out West there and I never seen him.

Q Was your mother living then? A No sir she had been dead long. This woman raised me.

Q Is that woman living? A O, Mercy! no.

Q What name did you go by when you were a child? A Called me Nancy Perryman; most people called me Nan.

-----  
Henry G. Fains being sworn on his oath states that as stenographer to the Commission he reported the above and that this is a true and complete transcript of his notes therein.

Subscribed and sworn to before me this 14th day of December, 1904.

*Henry G. Fains*  
*Edw. L. Fains*  
Notary Public

Cr.No.614.

I.S.N.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
of Nancy Taylor as a Creek Freedman.

DECISION.

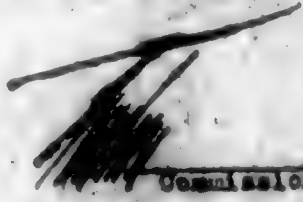
The record in this case shows that on August 10, 1904, Nancy Taylor appeared before the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, and made application for the enrollment of herself as a Creek Freedman. Further proceedings were had December 13, 1904.

The evidence in this case as to the parentage of said Nancy Taylor is contradictory, and the claim made by and on behalf of applicant that said applicant is the daughter of Sandy and Sibbie Perryman and the sister of John Perryman, whose name appears upon a partial list of Creek Freedmen, approved by the Secretary of the Interior March 28, 1902, opposite No. 3715, is not proven.

It does not appear from the evidence, or from the records in the possession of this office, that the name of said applicant was placed upon the roll of Creek Freedmen made by J.W. Dunn prior to March 14, 1867; neither does it appear that said applicant has ever been enrolled as a citizen of the Creek Nation, or admitted to citizenship in said Nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Nancy Taylor as a Creek Freedman, and the application for her enrollment as such is accordingly denied.

Wm. H. Jones

  
Commissioner.

Muskogee, Indian Territory.

JUN 28 1900

JUN 28 1906

Cr.Mn.614

Muskogee, Indian Territory, September 25, 1905.

Nancy Taylor,

Muskogee, Indian Territory.

Dear Madam:

At the conclusion of the testimony submitted by you December 13, 1904, in the matter of the application for your enrollment as a Creek freedman, you were advised that the Commission to the Five Civilized Tribes, desired the testimony of George Pompey and Maggie Pea of Wagoner and Glander Rice of Clarksville.

You are hereby notified that you will be allowed twenty days from date within which to appear before the Commissioner to the Five Civilized Tribes with said persons, for the purpose of being examined under oath.

Further evidence is offered within the time specified, the case will be adjudicated on the testimony now before this office.

Respectfully,

Commissioner.

Cr. No. 614.

Muskogee, Indian Territory, July 2, 1906.

M. L. Mott,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Nancy Taylor, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

LM-1123.

Commissioner.

Gr.Mn.614.

Muskogee, Indian Territory, July 2, 1906.

Cheasie McIntosh,

Attorney for Nancy Taylor,

Checotah, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Nancy Taylor, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

IM-164.

Commissioner.

744/4

RECORDED IN BOOK, TO THE FOLLOWING:
Cr. En. 614.

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 2, 1906.

Nancy Taylor,  
Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,



Register.  
LM-163.

Commissioner.



Cr.No. 614.

Washoe, Indian Territory, July 2, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Nancy Taylor, as a Creek Freedman, including the decision of the Commissioner, dated June 28, 1906.

Respectfully,

LM-165 .

Commissioner.

Through the  
Commissioner of Indian Affairs.

Refer in reply to the following:  
Land: 58637-1906.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

(Copy)

December 19, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated July 2, 1906, transmitting the record relative to the application for the enrollment of Nancy Taylor, as a Creek freedman.

On August 10, 1904, Nancy Taylor applied to the Commission to the Five Civilized Tribes at Muskogee, I.T., for enrollment as a Creek freedman. Further proceedings were had on December 13, 1904.

On June 28, 1906, the Commissioner held that the applicant was not entitled to such enrollment.

The claim is made by the applicant that she is the daughter of Sandy and Sibbie Perryman, and the sister of John Perryman, identified at No. 3715 on a partial list of Creek freedmen, approved by the Department on March 28, 1902, but the evidence does not substantiate this contention.

The Commissioner reports that his records do not show that the applicant is identified on the J. W. Dunn roll of Creek freedmen of March 14, 1867, nor does it appear that she has ever

-2-

been enrolled as a citizen of the Creek Nation, or admitted as a citizen by either the tribal authorities of that Nation, the Commission, or the United States Court.

In view of the provisions of Section 3 of the Act of April 26, 1906, (34 Stat. L. 137) the decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HRD--SD

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

JSJr.  
LLB

I.T.D. 25654-1906  
D.C. 296-1906.

December 26, 1906.

LRS

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

July 2, 1906, you transmitted the record in the matter of the application for the enrollment of Nancy Taylor as a Creek freedman, including your decision of June 28, 1906, denying said application.

Reporting December 19, 1906 (Land 56637), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos Ryan

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 2 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:

Cr. En. 614

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

*Heit*

Muskogee, Indian Territory, January 8, 1907.

Nancy Taylor,  
General Delivery,  
Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that on December 26, 1906,  
the Secretary of the Interior affirmed the decision of the  
Commissioner to the Five Civilized Tribes denying your appli-  
cation for enrollment as a citizen of the Creek Nation.

Respectfully,

  
Commissioner.

Gr. No. 614

Muskogee, Indian Territory, January 8, 1907.

Cheesie McIntosh,

Checotah, Indian Territory.

Dear Sir:

You are hereby advised that on December 26, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Nancy Taylor as a citizen of the Creek Nation.

Respectfully,

Commissioner.



Cr. En. 614

Muskogee, Indian Territory, January 8, 1907.

M. L. Mott,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on December 26, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Nancy Taylor as a citizen of the Creek Nation.

Respectfully,

Commissioner.

CR EN 615

CR EN 615

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 2, 1904.

In the matter of the application for the enrollment of Gertrude Anderson and Caroline Calvert, as Creek Freedmen.

APPEARANCE: M. L. Mott, Attorney for Creek Nation.

Betty Higginbottom being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Betty Higginbottom.  
Q How old are you? A I can't tell; about 80.  
Q What is your post office address? A Inola.  
Q You are a citizen of the Creek Nation, are you? A Yes sir.

The records of the Commission show that Betty Higginbottom is listed for enrollment on Creek Freedman card Field No. 1984, and that her name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior May 21, 1904.

- Q Have you some grandchildren for whom you wish to make application for enrollment? A Yes sir.  
Q You want them enrolled as Creek Freedmen, do you? A Yes sir.  
Q Is one of these children named Gertrude Anderson? A Yes sir.  
Q How old is Gertrude? A About 16.  
Q What is the name of her father? A Harvey Anderson.  
Q Is he living or dead? A I can't tell you whether he is living or not now.  
Q Gone away, is he? A Yes sir.  
Q Is he a state man? A Yes sir.  
Q What is Gertrude's mother's name? A Vina Anderson.  
Q Is Vina living or dead? A She's dead.  
Q How long has she been dead? A Somewhere near 8 years.  
Q About how old was she when she died? A I can't say; she wasn't 20.

- Q Was she your daughter? A Yes sir.  
Q Where did she live when she died? A Right on the other side of Sedan going to Clarksville.  
Q In the Creek Nation? A Yes sir.  
Q Did she live with you till she died? A Yes sir.  
Q Has this girl, Gertrude, lived with you all her life? A Yes, I raised her.  
Q She's your grand-daughter? A Yes sir.  
Q Living with you now? A Yes sir.  
Q Have you a grand-daughter named Caroline? A Yes sir.  
Q What is the name of her father? A Jack Calvert.  
Q Was he a state man? A Yes sir.  
Q What is the name of her mother? A Phoebe Hayes; Higginbottom before she married; her name was Phoebe Hayes.  
Q When she died? A Yes sir.  
Q How long has she been dead? A About 8 years.  
Q How old was Phoebe when she died? A About-- I can't tell you.  
Q She was your daughter? A Yes sir.

Q Do these children live with you? A Yes sir, they have lived with me all the time.  
Q Have they lived with you all their lives? A No sir.  
Q How long have they been living with you? A After their mother died and before too.  
Q Have they lived with you ever since their mother died? A No sir.  
Q Whom have they been living with? A Their father. These other children  
Q Is he living? A Yes I believe he is.  
Q Does Caroline live with you? A Yes sir.  
Q What is her mother's name? A Phoebe Hayes.  
Q Where did Caroline's mother live at the time of her death? A Down in the State.  
Q How long had she been living in the State? A 10 years.  
Q What State is that? A Arkansas; Pine Bluff.  
Q You say Caroline has lived with you all her life? A Yes, I raised her  
Q Living with you now? A No sir, she's not at home now.  
Q Where is she? A Went to the World's Fair, I reckon.  
Q When did she go? How long has it been? A I don't know what month she went in, she went to wait on a lady, nurse.  
Q Is she going to come back, or do you know? A Yes sir, she's coming right back.  
Q How old did you say Phoebe Hayes was when she died? A I can't tell you how old Phoebe was.  
Q Don't you have some idea? A No sir; about 20 I reckon.  
Q What was the name of Vina Anderson's and Phoebe's father? A William Higginbottom.  
Q Was he a state man? A Yes sir.

The Dunn Roll examined and Betty Higginbottom not found thereon. She is identified on the 1890 authenticated tribal roll of the Creek Nation, but upon no other roll; the children for whom application is here made are neither of them identified on any of the tribal rolls of the Creek Nation in the possession of the Commission, nor is the mother of either of said children identified on any of said rolls.

Thomas Higginbottom being duly sworn, testified as follows:

By the Commission:

Q What is your name? A Thomas Higginbottom.  
Q How old are you? A I am about 47.  
Q What is your post office address? A Inola.  
Q Is Vina Anderson a sister of yours? A Yes sir.  
Q About how old was she when she died? A I think she was about between 17 and 18 years old.  
Q Was Phoebe Hayes your sister? A Yes sir.  
Q How old was she when she died? A I think she was about 25 years old.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 19<sup>th</sup> day of August, 1904.

*Charles P. Sawyer*  
Notary Public.

28.13  
No. 620.  
6294

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-101-

In the matter of the application for the enrollment of  
Gertrude Anderson and Caroline Calvert, as Creek Freedmen.

-: D E C I S I O N :-

The record in this case shows that on August 2, 1904, Betty Higginbottom appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her grandchildren, Gertrude Anderson and Caroline Calvert, as Creek Freedmen. The evidence shows that neither of the applicants are descendants of a person whose name is found on the Dunn Roll.

It does not appear that the applicants, or either of them, or their mother through whom they claim, have ever been enrolled as citizens of the Creek Nation, nor does it appear that they, or either of them, or their mother, have ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Gertrude Anderson and Caroline Calvert as Creek Freedmen, and that the application for their enrollment as such, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

COMMISSIONER  
T. H. CROW  
TERRACE & BROADWAY  
& A. C. BROADWAY  
W. A. B. B. B.  
B. B. B.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

202X

COPIES IN REPLY TO THE FOLLOWING:
Creek En 615

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 14, 1905.

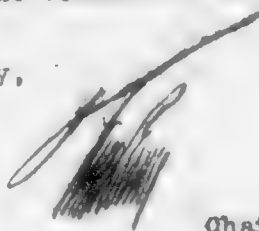
Betty Higginbottom,  
Inola, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your two minor grandchildren, Gertrude Anderson and Caroline Calvert, as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Chairman.

Register.

JYM-14-20.

*John N.*  
Creek An 415

Muskogee, Indian Territory, January 14, 1905.

M. L. Nott,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Gertrude Anderson, et al., as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYM-14-21.



Wm  
Creek En 616

Muskogee, Indian Territory, January 14, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Gertrude Anderson, et al., as Creek Freedmen, including the decision of the Commission, dated January 5, 1905.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

JYM-14-24.

Refer in reply to the following:  
Land: 4268-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, January 21, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated January 14, 1905, transmitting the record of the application, made August 2, 1904, for enrollment as Creek Freedmen by Gertrude Anderson and Caroline Calvert.

January 5, 1905, the Commission decided adversely to the applicants.

The record shows that no prior application has been made; that neither of the applicants are descendants of a person whose name is found on the Dunn roll, and it does not appear that either of the applicants or their mother, through whom they claim, has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

M.N.M.(W):

I.T.D. 716-1905.

JP. RJH. LRS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, February 14, 1905.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

On January 14, 1905, you transmitted the record in the matter of the application for the enrollment of Gertrude Anderson and Caroline Calvert as Creek Freedmen, including your decision of January 5, 1905, adverse to the applicants.

Reporting in the matter January 21, 1905, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is herewith inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

En. 618.

Muskogee, Indian Territory, March 3, 1905.

Betty Higginbottom,

Inola, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 14, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of Gertrude Anderson and Caroline Calvert as Creek Freedmen.

Respectfully,

Commissioner in Charge.

✓  
En. 615.

Muskogee, Indian Territory, March 3, 1905.

M. L. Mott,  
Attorney for Creek Nation.  
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of February 14, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, denying the application for the enrollment of Gertrude Anderson and Caroline Calvert as Creek Freedmen.

Respectfully,

Commissioner in Charge.

CR EN 616

CR EN 616

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 2, 1904.

In the matter of the application for the enrollment of Mary B. Tarvin as a citizen of the Creek Nation.

APPEARANCE: W. L. Mott, Attorney for Creek Nation.

Annie Brown being duly sworn testified as follows:

Examination by the Commission:

Q State your name, age and post office address. A My name is Annie Brown; I am 27; Sapulpa.  
Q Do you make application for the enrollment of Mary B. Tarvin as a citizen of the Creek Nation? A Yes sir.  
Q Is she living? A Yes sir.  
Q How old is she? A 63 I think last February; I don't know positively but I think it was the 3rd of February.  
Q Is your mother a Creek by blood or a white woman? A White woman.  
Q She has no Creek blood? A No sir.  
Q Do you know whether she was ever adopted by the Creeks or not? A Yes sir; it is my understanding that she was adopted by the Creek Council.  
Q That's been your information, has it? A Yes sir; she drew in all the payments that the Creeks had.  
Q Where is your mother now? A She is visiting now in Texas.  
Q How long has she been in Texas? A Since the middle of last March; she went down there to visit.  
Q Does she live with you? A Yes sir; she has always been with me since father died.  
Q Do you know when she expects to return? A She expects to come back sometime this summer.  
Q Her home is in the Creek Nation, is it? A Yes sir.  
Q She never expressed any intention, as far as your knowledge goes, that she is going to make her home in Texas? A No sir.

The 1890 authenticated tribal roll of the Creek Nation examined Hickory Ground Town, and the name of Mary B. Tarvin identified thereon at page 125; the 1895 pay roll of the Creek Nation examined and the name of Mary B. Tarvin not found thereon; the 1896 Doubtful roll of the Creek Nation, Hickory Ground town examined and the name of Mary B. Tarvin not found thereon.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 19 day of August, 1904.

*Charles K. Sawyer*

Notary Public.



En. 616.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY, APRIL 24, 1905.

-ooOoo-

In the matter of the application for the enrollment of  
Mary B. Tarvin as a citizen of the Creek Nation.

MARY B. TARVIN, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Mary B. Tarvin.  
Q How old are you? A Sixty-eight.  
Q What is your postoffice address? A Paden.  
Q How do you spell your name? A Given name or sir name?  
Q Sir name? A T-u-r-v-i-n.  
Q Do any of your family ever spell it T-a-r-v-i-n? A Yes, I  
have a cousin---he is a double cousin of my husband's---he spells  
his name T-a-r-v-i-n.  
Q How do you want your name spelled? A I don't think it makes  
much difference.  
Q How long have you lived in the Creek Nation? A Nineteen or  
twenty years.  
Q Have you lived in the Creek Nation continuously all the time? A  
Yes, except when I went off on visits.  
Q You went out of the Creek Nation a year ago last March did you  
not? A Yes.  
Q How long did you stay out? A I came back in August.  
Q Have you been out of the Nation since? A No.  
Q Have you a home in the Creek Nation? A I make my home with  
my two daughters, first with one and then with the other.  
Q Are your two daughters Creek citizens? A Yes.  
Q Have they been enrolled? A Yes.  
Q You have no Indian blood have you? A No.  
Q You are a white woman? A Yes.  
Q When were you adopted by the Creek Council? A My name was  
added to the roll when my husband was acknowledged as a citizen;  
that was in '98----'89.  
Q Is your husband an Indian? A Yes; he was recognized by the  
Council in 1898----1889.  
Q Did you draw the 1890 payment--the \$29.00? A Yes.  
Q Did you draw the 1893 payment, the \$14.40? A No.  
Q Why did you not draw that? A Because there was a mistake;  
the money was sent to my husband but it was not sent to me.  
But every one that knew anything about it said that it was a  
mistake for my name was on the pay roll.

ANNIE BROWN, being duly sworn, testified as follows:

BY COMMISSION:

- Q What is your name? A Annie Brown.  
Q How old are you? A Twenty-nine.

Tarvin.: #2.

- Q What is your postoffice address? A Sapulpa.  
Q Are you a daughter of this woman here (pointing to Mary B. Tarvin)? A Yes.  
Q What is her name? A Mary B. Tarvin.  
Q Are you a citizen of the Creek Nation? A Yes.  
Q Have you been enrolled and received your allotment of land? A Yes.  
Q What was your name when you were enrolled? A Annie O. Maloney--  
Q when I was enrolled it was Annie O. Tarvin.

Witness is identified as Annie O. Maloney on Creek Indian Card, Field Number 871, and her name is contained in the partial list of citizens by blood, approved by the Secretary of the Interior March 18, 1905, Roll Number 2812.

- Q Does your mother live in the Creek Nation at the present time?  
A Yes.  
Q Does she live with you? A No, she has been living with me but she is living with her other daughter now.

MOLLIE THOMAS, being duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Mollie Thomas.  
Q How old are you? A Forty-seven.  
Q What is your postoffice address? A Paden.  
Q Are you related to Mary B. Tarvin? A I am a step daughter.  
Q Does Mary B. Tarvin live in the Creek Nation? A Yes.  
Q Does she live with you? A Not entirely.  
Q Has she a home in the Nation? A She makes her home with me or my sister; when she is not living with me she lives with my sister.  
Q Do you mean the witness who has just testified? A Yes.  
Q Mary B. Tarvin has always lived in the Creek Nation? A Yes, for a number of years.  
Q And she considers it her home? A Yes.

Zera Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

*Zera Ellen Parrish*

Subscribed and sworn  
to before me this 9th day  
of May, 1905.

*Edward J. Jones*  
Notary Public.

Chiniquet 2nd Territory Western Judicial district  
know all Men by these presents that I have known  
Mrs. Mary B. Turvin for the last fifteen years I have  
been in the stock business in the Creek nation for  
fifteen or twenty years and often made her house my  
stopping place in the pursuit of my business  
and the best of my knowledge and belief. She has  
been a Resident of the Creek Nation Indian Territory  
for the last fifteen years

Law Ground 2221

Subscribed and sworn to before me this the 19 day of April 1905.

G. A. Milliken  
Notary Public.

My Commission Expires April 22 1908

En 616

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
APR 1 1. 1908  
APR 24 1908

*[Handwritten signature]*

RECEIVED

I am a young woman of Indian descent  
I was born by the name of the "Lone"  
and was born in the year of 1845  
I was a resident of Thompson and was born for many years  
My family of children of the Creek nation have conducted the  
Cannery business and blacksmith business of family as  
I was a resident of the N. N. Hotel. My father to the  
year and many to the year of 1886 or 87  
and to the last to the hotel and hotel. She has not changed  
in the last 15 years and is now Indian history

Kila, 1888

Subscribed and sworn to before me this  
15th day of April 1910

Harvard Keaton  
Notary Public

My commission expires April 15th, 1911.

Okmulgee and Territory Western Indian District  
know all Men by these Presents that I have known  
Mrs Mary B. Turvin for the last fifteen years and as  
I am in the living business and travel over the  
Country considerable and often stoped at her house  
and know that she has been a Resident of the  
Creek Nation Indian Territory for that length of  
time

A. B. McGill Seal  
✓

Subscribed and sworn to before me this  
19. day of April. 1904. *E. A. McFadden*  
Notary Public

My Commission Expires April 22. 1909

No. 616.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Mary B. Tarvin, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on August 2, 1904, Annie Brown appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her mother, Mary B. Tarvin, as a citizen of the Creek Nation. Further proceedings were had April 24, 1905.

It appearing from the evidence that the applicant is a white woman and that her name appears on the roll of an Indian Town this application is treated as for enrollment as a citizen by blood of the Creek Nation.


The evidence shows that said Mary B. Tarvin is identified on the 1890 Authenticated Tribal Roll of the Creek Nation.

The evidence further shows that the applicant was a resident of the Creek Nation at the date of the last proceedings herein and that she had been a resident of Indian Territory for more than ten years next preceding said date.

It is, therefore, the opinion of the Commission that said Mary B. Tarvin should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stats., 421), and March 1, 1901 (31 Stats., 661), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,  
JUN 14 1906

  
C. D. Harrison  
COMMISSIONER.



OF 111 616

Muskogee, Indian Territory, June 10, 1908.

M. S. Roth,  
Attorney for the Creek Nation,  
Muskogee, Indian Territory.

SIR:

Here is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Mary B. Tarvin as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be able in fifteen days from date hereof within which to file protest against said decision, and if, at the expiration of that time, no protest has been filed, said Mary B. Tarvin will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

JUN-10-1908

Gr. No. 614

Muskogee, Indian Territory, September 30, 1908.

Mary S. Varvin,  
Padon, Indian Territory.

Dear Madam:

You are advised that your name is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior September 21, 1908, and that you may now make application for a selection of land in the Creek Nation at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR BU 617

CR BU 617

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 8, 1904.

In the matter of the application for the enrollment of James W.,  
James F. and Denna B. Self as citizens by blood of the Creek Nation:

James W. Self being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A James W. Self.  
Q How old are you? A Forty-five.  
Q What is your post office address? A Muskogee.  
Q Do you make application for enrollment as a citizen by blood of the Creek Nation? A Yes sir.  
Q You have some children, have you, for whom you wish to make application? A Yes sir.  
Q Their names are James F. and Denna B. Self? A Yes sir.  
Q How old is James F.? A Will be 18 next month.  
Q How old is Denna B.? A Fifteen next August.  
Q Have these children lived with you all their lives? A Yes sir; I have no wife and they hired out a good deal, but their home has been with me.  
Q They have been under your control? A Yes sir.  
Q Where do you live-in the Creek Nation? A Yes sir.  
Q How long have you lived in the Creek Nation? A I have been in and out.  
Q This last time? A I came here from Arkansas in '94; I have been selling sewing machines; sometimes I have been in Choctaw Nation and sometimes in the Creek Nation.  
Q You have been in the Territory all the time? A No sir, not all the time.  
Q How long did you stay in Arkansas the last time? A I don't remember now-two or three different towns; I would go from there and teach a little country school and come back.  
Q Your home has been in the Creek Nation since 1894? A Well, yes; you can call it that; I haven't been keeping house; my wife died and I lived with my uncle; virtually I haven't had any home.  
Q To what town in the Creek Nation do you claim to belong? A Well, I have been living in Bufaula; now I live here.  
Q You don't know anything about the town to which you belong? A No sir.  
Q Upon what do you base your right to enrollment as a citizen of the Creek Nation; what is the basis of your claim? A Well, my folks is all Creeks that I have known anything about and I have always been taught that I was a Creek.  
Q What degree of blood do you claim? A I don't know.  
Q You don't claim to be a full blood? A No sir, nor a half-breed; I am less than a quarter; I am satisfied of that.  
Q Did you ever draw any money from the Creek Nation? A No sir.  
Q Were you ever admitted to citizenship in the Creek Nation? A Not individually myself; I have been taught that the family was admitted in '88 in that court at Bufaula; and if I was admitted I don't know.  
Q What's the name of your father? A Sam Self.  
Q Is he living or dead? A I don't know him and I parted when I was small.

Q Was he a Greek by blood? A Claimed to be.  
 Q Did he ever live in the Greek Nation? A I don't know sir.  
 Q What is the name of your mother? A Nancy.  
 Q Was she a Greek by blood? A No sir.  
 Q She was a white woman, was she? A She was supposed to be part Cherokee  
 her name was Guntler.  
 Q She was not a citizen of the Greek Nation? A No sir, if she was I  
 don't know.  
 Q Was any money ever drawn for either of these boys of yours in the  
 Greek Nation? A No sir.  
 Q What is the name of their mother? A Mary Hubbs & before she married  
 me.  
 Q Do you claim she is entitled to any rights in the Greek Nation? A No  
 sir.  
 Q Was she a white woman? A Yes sir.  
 Q Did you ever make application to the Greek authorities for citizenship  
 in the Greek Nation? A No sir, never did.  
 Q Did you ever make application to this Commission 7 or 8 years ago  
 for citizenship in the Greek Nation? A No sir, I wrote to this Commission  
 once about 8 or 9 years and asked them if my mother's name was on the  
 tribal rolls of the Cherokee and they wrote to me it was not.  
 Q You spoke of some of your folks being admitted to citizenship; what  
 relation were they to you? A I don't know.  
 Q It was not your father? A No sir, nor none of my immediate family  
 that I know of.

The tribal rolls of the Greek Nation in the possession of the  
 Commission examined and the names of none of the applicants herein  
 found therein. The records of the Greek Nation in the possession of the  
 Commission and the records of the Commission examined and it does not  
 appear that any of the applicants herein were ever admitted to citizen-  
 ship in the Greek Nation.

Q Do you know of any further evidence you could introduce that might do  
 you any good? A I don't know; maybe those folks down here; I would like  
 to get the testimony of John and Buck Hair.

Henry G. Hains being sworn on his oath states that as stenographer to  
 the Commission to the Five Civilized Tribes he reported the above case  
 and that this is a full, true and correct transcript of his stenographic  
 notes in case.

Henry G. Hains.

Subscribed and sworn to before me this 19<sup>th</sup> day of August, 1904.

Charles H. Hays

Notary Public.

D. H.

NO. 619

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of James W. Self, James F., and Donna B. Self as citizens by blood of the Creek Nation.

D E C I S I O N .

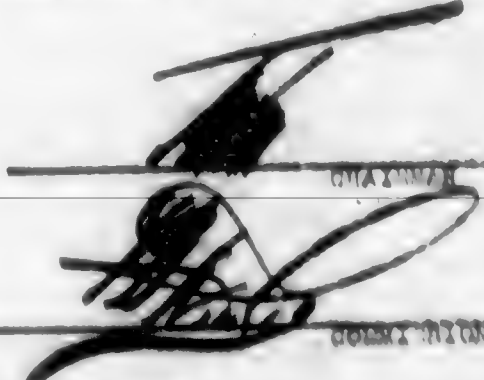
The record in this case shows that on August 8, 1904, James W. Self appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his two minor children, James F. Self and Donna B. Self, as citizens by blood of the Creek Nation.

The evidence shows that said James W. Self is not a fullblood Creek Indian, that said James F. and Donna B. Self are the minor children of said James W. Self, and that no claim is made that the mother of said minor children is entitled to enrollment as a citizen of the Creek Nation.

The evidence shows that none of the applicants have ever been enrolled as citizens of the Creek Nation, nor have they, or any of them, ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said James W. Self, James F. Self and Donna B. Self, or any of them, as citizens by blood of the Creek Nation, and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
\_\_\_\_\_  
CHAIRMAN  
\_\_\_\_\_  
COMMISSIONER  
C. R. Brantley  
\_\_\_\_\_  
COMMISSIONER

MUSKOGEE, INDIAN TERRITORY,

RECEIVED  
JAN 17 1900  
U. S. DEPT. OF THE INTERIOR  
W. C. BAKER

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED IN 1900 TO THE FIVE CIVILIZED TRIBES
Greek No. 419

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 14, 1900.

James W. Self,

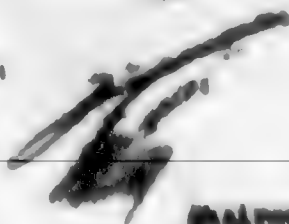
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, James F. and Denna B. Self, as citizens by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Chairman.

Respecter.

JYM-14-84.



127  
Creek No 117

Muskogee, Indian Territory, January 14, 1908.

M. L. Nett,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of James W. Self, et al., as citizens by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYM-14-33.

Wes

UPON AN 817

Muskogee, Indian Territory, January 16, 1908.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of James W. Wolf, et al., as citizens by blood of the Creek Nation, including the decision of the Commission, dated January 8, 1908.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

JYM-14-34.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, March 8, 1908.

712.

I.T.D. 1880-1908.

L.R.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

January 14, 1908, you transmitted the record in the matter of the application for the enrollment of James W. Self, et al. (Creek No 617), as citizens by blood of the Creek Nation, including your decision of January 5, 1908, rejecting the applicants.

Reporting in the matter February 14, 1908, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Theo. Ryan,  
Acting Secretary.

1 inclosure.

Refer in reply to the following:  
Land 4263-1906.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, February 14, 1906.

The Honorable,  
The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated January 14, 1906, transmitting the record of the application, made August 2, 1904, for enrollment as citizens by blood of the Creek Nation by James W. Self for himself and his two minor children, James F. and Denna B. Self.

January 5, 1906, the Commission decided adversely to the applicants.

The record shows that the applicants are not full blood Creek Indians, and no claim is made that the mother of the minors is entitled to enrollment and that none of the applicants has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States Tribunal.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. E. Jarrabee,  
Acting Commissioner.

M. X. M.  
W.

Or in 617

Muskogee, Indian Territory, March 20, 1908.

M. L. Kett,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

SIR:

You are hereby advised that the Secretary of the Interior, under date of March 8, 1908, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 8, 1908, denying the application for the enrollment of James W. Self, et al. as citizens by blood of the Creek Nation.

Respectfully,

Chairman.

COMMISSIONERS:  
TAMM DREW,  
THOMAS S. WHEELER,  
G. E. BROWNTHORPE.  
WM. C. BRALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

4232

COPIES TO BE MADE TO THE FOLLOWING
OF No. 417

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 25, 1905.

James W. Self,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 8, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1904, denying the application for the enrollment of yourself and minor children, James F. and Denna B. Self, as citizens by blood of the Creek Nation.

Respectfully,



W. C. Brall

CR EN 618

CR EN 618



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. August 6, 1904.

In the matter of the application for the enrollment of Hoffeehey, He-tah-co-co-tan and You-co-tah-lar-ney, all deceased, as citizens by blood of the Creek Nation.

H. W. Brown, being duly sworn on his oath testified as follows:

Examination by the Commission:

- Q What is your name? A H. W. Brown.  
Q How old are you? A Sixty-one.  
Q What is your post office address? A Sapulpa.  
Q You are then town King of Muskogee town? A Yes sir.  
Q Do you desire to make application for the enrollment of Hoffeehey, He-tah-co-co-tan and You-co-tah-lar-ney, as citizens by blood of the Creek Nation? A Yes sir.  
Q They are full-bloods, are they? Full-blood Muskogees? A Yes, sir.  
Q They are all dead, are they, or do you know? A I don't know as they are all dead; I don't believe there is any living; this fellow may be living; I want to find that out.  
Q Is Hoffeehey dead? A Yes sir.  
Q You are not positive that He-tah-co-co-tan is dead? A No sir.  
Q You are not positive as to You-co-tah-lar-ney? A No sir.  
Q Were they all members of the same family? A Same family.  
Q Were they all residents of the Creek Nation at the 1890 payment?  
A Yes sir.  
Q Did any of them remove from the Creek Nation? After the 1890 payment?  
A No sir.  
Q About how old was Hoffeehey when he died? A He was an old timer; came from Alabama; must have been about 60 or 70; he was a man when I was a boy.  
Q How old was this He-tah-co-co-tan? A He must have been somewhere in the neighborhood of 10 or 12.  
Q When he died? A Yes sir.  
Q About how old is the other one, if he is living? A He ought to be about 20 years old; about 18 or 19; at the time I seen him he was that; he must be about 18 now if he is living.

The 1890 authenticated tribal roll of the Creek Nation examined and those for whom application is here made are identified on said roll at page 104, Muskogee town; they are also identified on the 1898 payroll of the Creek Nation, Nos. 802, 803 and 804, respectively.

- Q Do you know when Hoffeehey died? A I can't tell you exactly. But he was living in 1890 during the filling up of the roll; when the filling was beginning he was living.  
Q What is that you have in your hand? What was it originally intended for? A It was intended for a census roll and at the same time, I was told it was to be a roll of the people and I kept the book.  
Q Do you find the names of these people on there? A Yes sir.  
Q Do you find a notation on that book as to the death of Hoffeehey?  
A Yes sir.  
Q What date is that? A 1890.  
Q When was that put on? A 1890.  
Q Is that your own writing? A Yes sir.

Q Did you put that on soon after his death? A I heard of it; there was lots of them died; some families never got cleaned up.  
 Q Did you visit his house after the Creek Land Office opened? A Yes sir.  
 Q Were there parties for whom you make application all living at that time? A Yes sir.  
 Q State the circumstance of why you visited there? A I went up there to get someone to make affidavit on my officer roll; Soffeney served in the same company.  
 Q Had you filed on your own land when you made that visit up there? A Yes-- No sir, I didn't file until October.  
 Q You are certain that the land office was open when you made that visit? A Yes sir, because they took census up there in Sapulpa and I got their card and went home and looked at my book to see if they was on the roll and I didn't file till October.  
 Q Did you come here to file? A I filed at Okmulgee.  
 Q About how long before you filed when you made that visit to Soffeney? A It was in summer; it must have been about July.  
 Q It was the summer before you filed? A It must have been about July or June.  
 Q You have no interest in this case other than to see that the members of your town who are entitled are properly enrolled? A No sir; I have no interest.

Affidavits relative to the persons herein applied for are made part of the record herein.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 14 day of August, 1904.

*Charles H. Sawyer*

Notary Public.

**IN RE  
THE DEATH OF**

a citizen of the

Nation.

Approved 190

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
August 26, 1904

CHAIRMAN

# DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Soffney  
(Here insert name of deceased)  
 a citizen of the Creek Nation, who formerly resided at or near  
Sapulpa, Ind. Ter., and died on the 7th, day of  
September, 1900.  
(Here insert name of citizen)

## AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
Western District.  
 I, Co-co-tah-lanay, on oath state that I am 20  
 years of age and a citizen, by blood, of the Creek Nation;  
 that my post office address is Sapulpa, Ind. Ter.; that I am  
 grandson of Soffney,  
(Here insert name of deceased)  
 who was a citizen, by blood, of the Creek Nation;  
 and that said Co-co-tah-lanay died on the 7th day of  
September, 1900.  
(Here insert name of deceased)  
 WITNESSED TO ME:  
S. L. Brown  
J. L. Mars

Subscribed and sworn to before me this 23, day of August, A.D., 1900.  
July 11, A.D. 1900  
J. L. Mars  
 Notary Public.

## AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
Western District.  
 I, Co-yah-lar, on oath state that I am 30  
 years of age, and a citizen, by Blood, of the Creek Nation;  
 that my post office address is Kellyville, Ind. Ter.,  
 that I was personally acquainted with Soffney,  
 who was a citizen by Blood, of the Creek Nation;  
 and that said Soffney died on the 7th day of  
September, 1900.  
(Here insert name of deceased)  
 WITNESSED TO ME:  
S. L. Brown  
J. L. Mars

Subscribed and sworn to before me this 23, day of August, A.D., 1900.  
July 11, A.D. 1900  
J. L. Mars  
 Notary Public.

On Buchie 1895 roll # 502  
100

IN RE  
THE DEATH OF

"San-jin-na"  
a citizen of the

Creek

Nation.

Approved ..... 190...

Commissioner.

On 12-11-01 4-22-04  
Notarized by ...  
Filed ...

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED

Filed Dec 11<sup>th</sup> 1901

ACTING CHAIRMAN.

# DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Sau-Fin-Na  
(Here insert name of deceased.)  
 a citizen of the Creek  
(Here insert name of postoffice.)  
Breslow  
 Ind. Ter., and died on the 20 day of November  
 1900.

## AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Northern District.

I, Co-Co-Jou-Ney, on oath state that I am 20  
 years of age and a citizen, by Blood, of the Creek Nation;  
 that my post office address is Breslow, Ind. Ter.; that I am  
(Here insert name of post office.)  
grand son of Sau-Fin-Na  
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)  
 who was a citizen, by Blood, of the Creek Nation;  
 and that said Sau-Fin-Na died on the 20 day of  
November, 1900.

WITNESSES TO MARK:

(Must be Two Witnesses.) { James Case  
Sw. Brown

Co-Co-Jou-Ney  
 mark

Subscribed and sworn to before me this 18 day of November, 1900.  
My Com. expires July 20, 1901  
J. L. Ware  
 Justice of the Peace.

## AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Northern District.

I, Jack Teju, on oath state that I am 37  
 years of age, and a citizen, by Blood, of the Creek Nation;  
 that my post office address is Kellyville, Ind. Ter.;  
(Here insert name of post office.)  
 that I was personally acquainted with Yah-Tee-Go-Te-Jou  
(Here insert name of deceased.)  
 who was a citizen, by Blood, of the Creek Nation;  
 and that said Yah-Tee-Go-Te-Jou died on the 20 day of  
May, 1899.

WITNESSES TO MARK:

(Must be Two Witnesses.) { James Case  
Sw. Brown

Jack Teju  
 mark

Subscribed and sworn to before me this 18 day of November, 1900.  
My Com. expires July 20, 1901  
J. L. Ware  
 Justice of the Peace.

43

IN THE  
THE DEATH OF  
"G. C. T. RAY"  
a citizen of the

Notion.

Appointed

100

Commenced.

On the 10th day of 1864  
Kathleen M. M. M.  
A. M. M.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
F. I. I. D.

June 20, 1864

ANTHONY CHAPMAN



# DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of *Go-co-Ta-Ney*  
(Here insert name of deceased.)  
 a citizen of the *Creek*  
(Here insert name of post office.) Nation, who formerly resided at or near  
*Bristow*, Ind. Ter., and died on the *10<sup>th</sup>* day of *September*,  
*1899*.

## AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.  
*Northern* District.

I, *Co-Co-Tou-Ney*, on oath state that I am *20*  
 years of age and a citizen, by *Blood*, of the *Creek* Nation;  
 that my post office address is *Bristow*, Ind. Ter.; that I am  
*Cousin* of *Go-co-Ta-Ney*  
(State relationship, as the father, uncle, etc.) (Here insert name of deceased.)  
 who was a citizen, by *Blood*, of the *Creek* Nation;  
 and that said *Go-co-Ta-Ney* died on the *10<sup>th</sup>* day of  
*September*, *1899*.  
(Here insert name of deceased.)

WITNESSED TO ME:

*James Case*  
*Sullivan*  
(Must be Two Witnesses.)

*Co-Co-Tou-Ney*  
*mark*

Subscribed and sworn to before me this *18<sup>th</sup>* day of *November*, *1901*.  
*Com. & per July 20, 1903*  
*G. L. McGee*, Notary Public.

## AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.  
*Northern* District.

I, *Jack Ligin*, on oath state that I am *57*  
 years of age, and a citizen, by *Blood*, of the *Creek* Nation;  
 that my post office address is *Kellyville*, Ind. Ter.;  
(Here insert name of post office.)  
 that I was personally acquainted with *San-Jin-Na*  
(Here insert name of deceased.)  
 who was a citizen, by *Blood*, of the *Creek* Nation;  
 and that said *San-Jin-Na* died on the *20<sup>th</sup>* day of  
*November*, *1900*.  
(Here insert name of deceased.)

WITNESSED TO ME:

*James Case*  
*Sullivan*  
(Must be Two Witnesses.)

*Jack Ligin*  
*mark*

Subscribed and sworn to before me this *18<sup>th</sup>* day of *November*, *1901*.  
*My Com. & per July 20, 1903*  
*G. L. McGee*, Notary Public.

J.J.B.

En. 618.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:O:-

In the matter of the application for the enrollment of Soffeeney, He-tah-co-co-tan and You-co-tah-lar-ney, all deceased, as citizens by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on August 6, 1904, S. W. Brown, Town King of Euchee Town, appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Soffeeney, He-tah-co-co-tan and You-co-tah-lar-ney, all deceased, as citizens by blood of the Creek Nation.

The evidence shows that the names of said Soffeeney, He-tah-co-co-tan and You-co-tah-lar-ney are identified on the 1890 authenticated Tribal Roll of the Creek Nation, and on the 1895 pay roll of said Nation.

The evidence further shows that said Soffeeney, He-tah-co-co-tan and You-co-tah-lar-ney died subsequent to April 1, 1899.

It is, therefore, the opinion of the Commission that said Soffeeney, deceased, He-tah-co-co-tan, deceased, and You-co-tah-lar-ney, deceased, should be enrolled as citizens by blood of the Creek Nation, in accordance with the provisions of the Acts of Congress, June 28, 1898 (30 Stat. 495), and March 1, 1901 (31 Stat. 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,  
FEB 3 - 1905

2853

D.C. 43.

Muskegee, Indian Territory, January 25, 1904.

Co-co-ton-ney,

Bristow, Indian Territory.

Dear Sir:

There is on file with the Commission an affidavit executed by you relative to the death of your cousin, Go-co-ta-ney, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskegee, Indian Territory, with two witnesses who know the date of the death of said Go-co-ta-ney, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

9813  
D. C. 128.

Muskogee, Indian Territory, February 1, 1904.

Ge-go-ten-nay,

Oriatew, Indian Territory.

Dear sir:

There is on file with the Commission an affidavit executed by you relative to the death of Yah-tas-go-to-ten, who, it is claimed is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know said date, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

HEX  
Creek No 618

Muskogee, Indian Territory, February 6, 1905.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is enclosed herewith one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Coffeenoy (deceased), He-tah-co-co-tan (deceased), and You-co-tah-lar-ney (deceased) as citizens by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof to protest against said decision, and if, at the expiration of that time, no such protest has been made, said Coffeenoy (deceased), He-tah-co-co-tan (deceased) and You-co-tah-lar-ney (deceased) will be regularly listed for enrollment as citizens by blood of the Creek Nation.

Respectfully.

Chairman.

JYM-6-68.

COMMISSIONERS:  
JAMES HIXBY,  
THOMAS B. NEEDLES,  
C. E. BRIDGEMAN,  
WM. O. BRALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

NOTE IN REPLY TO THE FOLLOWING:

Cr. En. 618.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 15, 1905.

Safford,

Sapulpa, Indian Territory.

Dear Sir:

You are advised that the names of yourself and two minor grand-children, He-tah-co-co-tan and You-co-tah-lar-ney, are contained in the partial list of Creek citizens, approved by the Secretary of the Interior April 6, 1904, and that application for selections of land in the Creek Nation may now be made for yourself and said grand-children at the office of the Commission, at Muskogee, Indian Territory.

Respectfully,

Chairman.

CR EN 619

CR EN 619



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 3, 1904.

In the matter of the application for the enrollment of Annie Simon and Ellen King as Creek Freedmen.

APPEARANCE: A. S. McRae, Attorney for applicants.

Annie Simon being duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Annie Simon.  
Q How old are you? A About 40 I reckon; maybe 50.  
Q What is your post office address? A Wewoka.  
Q Do you live in the Creek Nation? A Yes sir.  
Q How long have you lived in the Creek Nation? A A I reckon about 30 years.  
Q Where did you come from to the Creek Nation? A From Texas.  
Q Were you the slave of a Creek citizen? A Yes sir.  
Q Were you carried to Texas during the War? A Yes sir.  
Q What is the name of your owner? A Widow Hagerty.  
Q What was her given name? A Becky Hagerty.  
Q Were you ever known by any other name except Annie Simon? A No sir; when I was first married it was Annie Rowe.  
Q Have you ever had any other names except Annie Simon and Annie Rowe? A No sir.  
Q You were once married to a man by the name of Rowe? A Yes sir.  
Q Where did you marry him-- in Texas? A Yes sir.  
Q Is he living or dead? A Dead.  
Q How long has he been dead? A I guess about 30 years.  
Q Did he die after you came back to the Creek Nation or before? A After  
Q Did he come with you? A Yes sir.  
Q Was he a state man? A No sir, Creek Man.  
Q Citizen of the Creek Nation? A Yes sir.  
Q What was his given name? A Joe Rowe.  
Q Then you married Simon? A Yes sir; Sandy Simon.  
Q Is he living or dead? A Dead.  
Q Was he a citizen of the Creek Nation? A No sir, citizen of the Seminole Nation.  
Q Do you make application to be enrolled as a Creek Freedman? A Yes sir.  
Q Have you a daughter named Ellen King? A Yes sir.  
Q What is the name of her father? A Sandy Simon.  
Q Has Sandy Simon been enrolled as a citizen of the Seminole Nation? A Yes sir.  
Q Got his land, has he? A Yes sir he has.  
Q Well, has Ellen King been enrolled in the Seminole Nation? A No sir.  
Q Why hasn't she enrolled over there? A They said I belonged to the Creek Nation and they sent me back to the Creek Nation.  
Q How long has Ellen been married? A About three years.  
Q How old is your daughter, Ellen? A About 25.  
Q Do you know Elsie Simon? A No sir.

The Seminole approved roll examined and the name of Ellen King or Ellen Simon not found thereon.

- Q You were in Texas when the slaves were freed, were you? A Yes sir.  
Q How long after the war, was it, that you came back to the Creek Nation? A I don't know.  
Q About? A About 4 years, as near as I can come at it.

- Q That was the first time you came back after the War? A Yes sir.  
Q Did you ever draw any money from the Creek Nation? A No sir.  
Q Did you ever make application for citizenship to the Creek authorities? A No sir; not before this time.  
Q I mean to the Creek people? A No sir.  
Q Is this the first time you ever made application to this Commission for citizenship? Did you come here before the Commission 7 or 8 years ago? A No sir.  
Q Have you ever been before the Commission before? A No sir.  
Q How long had you been married to this man, Simon? A A long time; I think about 50 years now.

The records of the proceedings of the Commission under the act of June 10, 1896 (29 Stats., 321), examined, and it does not appear that the applicant made application for citizenship under that act.

The records of the Colbert Commission examined and it does not appear that application was made for citizenship in the Creek Nation by the applicant to that Commission.

- Q Did you ever draw any money from the Creek Nation? A No sir.  
Q Your name does not appear upon any of the rolls of the Creek Nation? A No sir.

The Dunn roll examined and the applicant, Annie Simon, not identified on said roll.

Examination by Mr. McRae:

- Q Annie, you don't know anything about dates and years, do you? A No sir.  
Q Did you ever hear of the Dunn Roll? A Yes sir.  
Q Were you in the Creek Nation when the Dunn roll was being made? A No sir; I was here and went off.  
Q Just answer; was you here? A Yes sir.

By the Commission:

- Q Were you in the Creek Nation before the Dunn Roll was made? Did you return to the Creek Nation from Texas before the Dunn Roll was made, or do you know? A ----  
Q How long did you stay here, the first time you came here after the war? A I come here and went back.  
Q How long did you stay here? A I stayed here about 4 or 5 years.  
Q Was that the first time you was here after the war? A Yes sir.  
Q How long was that after the war when you came back here with your mistress? A After Peace.  
Q How long after, do you remember? A I don't know.  
Q Was that before the slaves were freed, or after? A After.  
Q How long did you stay with your mistress after the slaves were freed? A A good while.  
Q Where did she live? A Down in Texas.  
Q Did she ever live in the Creek Nation after the war? A Yes she come back here and then went back.  
Q Did she come back and live here or did she come back, on a visit? A She come back and lived here.  
Q Were the soldiers around here through the country when she came back? A Yes sir.  
Q They were still here? A Yes sir.  
Q Riding around through the country? A Yes sir.

- Q You say you were in the Creek Nation at the time the Dunn roll was being made and left that same night year-- is that correct? A Yes sir.
- Q Now, can you explain to the Commission why your name does not appear upon the Dunn roll? Did you make application to Major Dunn to be enrolled at that time? A No sir.
- Q How long did you remain in Texas after you left the Creek Nation at the time the Dunn roll was being made before you returned back to the Creek Nation? A It was about ten years I think.
- Q Do you remember who you returned with? A Yes sir.
- Q Who? A My mistress.
- Q She came back about ten years afterwards? A Yes sir.
- Q Was there any colored people returned at that time? A Yes sir.
- Q Who? A Caroline Rentie and Warrior Rentie.
- Q You all returned back at the same time? A Yes sir. one another?
- Q What relation is Caroline Rentie and Warrior Rentie to you? A That's his mother.
- Q Are they Creek citizens? A Yes sir.
- Q Is that lady, Caroline alive? A Yes sir.
- Q Is Warrior Rentie alive? A Yes sir.
- Q Have you any children who have been enrolled as Creek citizens? A Yes sir.
- Q How many? A Three.
- Q What is the name of the oldest one? A Hagar Rowe.
- Q Was he ever known by any other name? A No sir; she was married.
- By the Commission:
- Q Is Mary Rowe your daughter? A Yes sir.
- Q What is the name of Mary's father? A Joe Rowe.

The records of the Commission examined and it appears that Mary Rowe is listed for enrollment on Creek Freedmen Field No. 1485, approved roll No. 4873; that her father was Joe Rowe, deceased, member of Canadian town, and her mother is Ann Rowe, a citizen of the United States.

The records of the Commission examined and it appears that Warrior Rentie is listed for enrollment on Creek Freedmen card Field No. 239, approved roll No. 826, and that he was admitted to citizenship in the Creek Nation by the Creek National Council in 1867.

Examination by Mr. McRae:

- Q Is Ellen King the oldest child born to you and your present husband, Sandy Simon? A Yes sir.
- Q And you stated that she was about 23 years old, didn't you? A Yes sir.
- Q She was born after you had been married to Sandy Simon? A Yes sir.
- Q About how long had you and your present husband, Sandy Simon been married before she was born? A About 4 years.
- Q Then you have been married to your present husband, Sandy Simon, for a period of about 29 or 30 years, is that correct? A Yes sir.
- Q Where were you and your present husband, Sandy Simon, living at the time your daughter, Ellen was born? A In the Creek Nation.
- Q How long after her birth before you and your husband moved to the Seminole Nation? A About 4 years.
- Q Then, at the time the Creek tribal authorities were making the census roll of 1890 and 1895, you were then a resident of the Seminole Nation, Indian Territory, were you? A Yes sir.
- Q Did you ever claim citizenship in any other nation or tribe other than the Creek Nation? A No sir.
- Q Are you prepared to state now, if any testimony or evidence that may

have been testified to before the Commission pertaining to your being a citizen of the United States, whether that statement is correct or not? (No answer).

Q Now listen. It appears here upon the enrollment card of your daughter, Mary Rowe, that her father, Joe Rowe, is a citizen of the Creek Nation and resided in Canadian town of said nation, and that you was a citizen of the United States. Is that statement correct? A No sir; I am a citizen of the Creek Nation.

Q You were living in the Seminole Nation during the year 1896-- 8 years ago, were you not? A Yes sir.

Q Had you any notice or information--- in 1890 and 1895 and the act approved by Congress June 10, 1896-- that you would be required to come before either of these two commissions, or before the authorities of the United States courts to make application for citizenship? A No sir.

By the Commission:

The Creek Law Book, 1893, examined and the applicant's name is not contained in the list found in said book beginning on page 102.

The records of the Commission examined and it appears that Caroline Rentie is listed for enrollment on Creek Freedman card Field No. 240, approved roll No. 630, and that she was admitted to citizenship in the Creek Nation by the Creek National council in 1867.

Q Where were you living when you married Sandy Simon? A In the Creek Nation.

Ellen King being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Ellen King.

Q How old are you? A About 23 years old.

Q What is your post office address? A Wewoka.

Q Are you the daughter of Annie Simon? A Yes sir.

Q What is the name of your father? A Sandy Simon.

Q He is a citizen of the Seminole Nation? A Yes sir, Seminole Nation.

Q Have you ever been enrolled as a citizen of the Seminole Nation? A Yes sir.

Q Did you ever draw any money from the Creek Nation? A No sir.

Q Your rights in the Creek Nation, if you have any, come through your mother? A Yes sir.

Q You have heard the statements here made by her? A Yes sir.

Q You don't know anything about when she lived in Texas? A No sir.

Q You wasn't born then? A No sir.

Q I suppose you want your case decided upon the testimony given by your mother? A Yes sir.

The tribal rolls of the Creek Nation in the possession of the Commission examined and neither of the applicants identified thereon.

-----  
Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Subscribed and sworn to before me this 14<sup>th</sup> day of August, 1904.

Henry G. Hains  
Charles H. Sawyer  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I/ T., August 24, 1904.

In the matter of the application for the enrollment of Jackson Simon as a Creek Freedman.

APPEARANCES: M. L. Mott Attorney for Creek Nation.

JACKSON SIMON, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Jackson Simon.  
Q How old are you? A Twenty-six.  
Q What is your post office address? A Wewoka.  
Q Do you make application for enrollment as a Creek Freedman? A Yes, sir.  
Q What town in the Creek Nation do you claim to belong to? A I don't know.  
Q Did you ever draw any money from the Creek Nation? A No, sir.  
Q Was any money ever drawn for you that you know of? A No, not that I know of.  
Q Do you live in the Creek Nation? A Live in the Seminole Nation.  
Q Have you lived in the Seminole Nation all your life? A Yes, sir.  
Q You claim your right to enrollment as a citizen of the Creek Nation? A Yes, sir.  
Q What is the reason you have not had your rights, if you had any, fixed up before this? A I thought it was best to let my mother come first.  
Q Who is your mother? A Annie Simon.  
Q She just made application here on the third day of August,? A Yes, sir.  
Q Why haven't you all had your rights fixed up before this? A Well, we didn't have no one to see after that.  
Q What is the name of your father? A Sandy Simon.  
Q Is he living or dead? A Living.  
Q Do you claim that he has any rights in the Creek Nation? A In the Seminole.  
Q Your rights if you have any come through your mother? A Yes, sir.  
Q And through you mother alone? A Yes, sir.  
Q Was you ever in Texas? A No, sir.  
Q Did you ever go to any authority before this to see about your citizenship? A No, sir.  
Q Never went any where? A No, sir.

The record of the proceedings of the Commission, under the act of June 10, 1896 (29 Stat., 321), examined and it does not appear that application was made to said Commission, for citizenship in the Creek Nation, for the applicant herein.

The records of the Colbert Commission, in the possession of the Commission, examined and it does not appear that application was made to that Commission for the applicant herein.

The Tribal Rolls of the Creek Nation, in the possession of the Commission, examined and the applicant not identified on any of said rolls.

- Q Is there anything more you want to say about this? A No, sir.

Jackson Simon--2.

It is ordered that this case be consolidated with the case of Annie Simon et al., Creek Enrollment Case No. 619.

-----;0;-----

I, Drennan C. Skaggs, on oath state that the above and foregoing is a full, and true transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 20th day of September, 1904.

Edward Merrick  
Notary Public.



6623  
J. H. S.

No. 619.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-101-

In the matter of the application for the enrollment of Annie Simon, Ellen King and Jackson Simon as Creek Freedmen.

-I D E C I S I O N :-

-----O-----

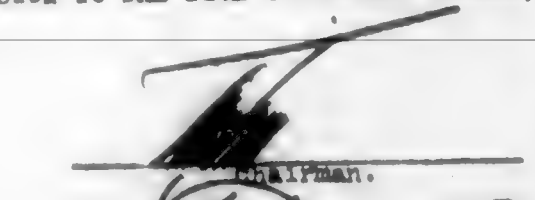

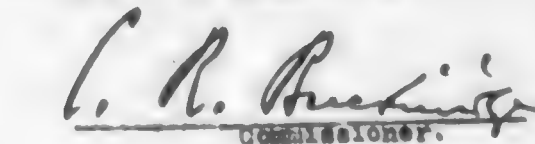
The record in this case shows that on August 3, 1904, Annie Simon appeared before the Commission, at Muskogee, Indian Territory, and made application for the enrollment of herself and her daughter, Ellen King, as Creek Freedmen and that on August 24, 1904, Jackson Simon appeared before the Commission, at Muskogee, Indian Territory, and made application for enrollment as a Creek Freedman.

The evidence shows that Annie Simon is the mother of Ellen King and Jackson Simon; that she was forty or fifty years old on the date of the application herein and that she is not identified on the roll of Creek Freedmen made by J. W. Dunn, prior to March 14, 1867. The evidence further shows that said Ellen King and Jackson Simon are not the descendants of a person whose name is found on said Dunn Roll.

It does not appear that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor does it appear that they, or any of them, have ever been admitted to citizenship in said nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Annie Simon, Ellen King and Jackson Simon, or any of them, as Creek Freedmen and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Chairman.  
  
Commissioner.  
  
Commissioner.

Muskogee, Indian Territory,



8813  
En. 619.

Muskegee, Indian Territory, October 4, 1904.

Anie Simon,

Wewaka, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter, without date, relative to the status of the application made for your enrollment as a citizen of the Creek Nation.

In reply you are advised that the case has not been taken up for consideration. When the case has been disposed of you will be duly notified.

Respectfully,

Chairman.

767  
Creek Bu 619

Muskogee, Indian Territory, January 16, 1906.

M. L. Mott,

Attorney for the Creek Nation;

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the applications for the enrollment of Annie Simon, et al., as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYK-16-55.

*Handwritten: No 2*  
Creek En 619

Muskogee, Indian Territory, January 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the applications for the enrollment of Annie Simon, et al., as Creek Freedmen, including the decision of the Commission, dated January 5, 1905.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

JYM-16-56.

XKX  
Creek An 619

Muskogee, Indian Territory, January 16, 1905.

Annie Simon,

Nowoka, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor daughter, Ellen King, as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

JYN-16-52.

WJH  
Creek 2a 619

Muskogee, Indian Territory, January 16, 1906.

Jackson Simon,

Newoka, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

JYM-16-53.

Handwritten: *Handwritten mark*  
Creek No 619

Muskogee, Indian Territory, January 16, 1906.

A. M. McKee,

Attorney for Annie Simon,

Muskogee, Indian Territory.

DEAR SIR:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Annie Simon, et al., as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYM-16-54.

Ex. 619.

Muskogee, Indian Territory, July 12, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

June 23, 1908 (I.T.D. 1682-1908), the Department requested to be advised as to whether or not the name of Joe Rowe appears upon the roll of Creek Freedmen made by J.W. Dunn under authority of the United States, prior to March 14, 1867, or upon any other Creek tribal rolls in the possession of this office; also whether the name of Sandy Simon appears upon any Seminole rolls in the possession of this office.

Reporting in said matter the Department is respectfully advised that the roll of Creek Freedmen made by J.W. Dunn prior to March 14, 1867, and the tribal rolls of the Creek Nation in the possession of this office have been examined, and that the name of Joe Rowe does not appear upon any of said rolls.

The Department is further advised that the name of said Sandy Simon appears upon the 1890 tribal roll of the Seminole Nation, and also upon the approved roll of Seminole Freedmen opposite No. 2071.

Respectfully,

Through the

Commissioner of Indian Affairs.

Commissioner.



4619 ✓  
I.T.D. 1682, 3308-1905.

GR.ILB.IPS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, August 4, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

January 16, 1905, the Commission to the Five Civilized Tribes transmitted the record of the application of Annie Simon for the enrollment of herself and her daughter, Ellen King, as Creek Freedmen, also the application of Jackson Simon for his enrollment as a Creek Freedman, including the decision of the Commission dated January 5, 1905, adverse to all the applicants.

July 12, 1905, upon request of the Department, you made a further report relative thereto.

February 15, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission adverse to all the applicants be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated January 5, 1905, denying the application of Annie Simon for the enrollment of herself and her daughter, Ellen King, as Creek Freedmen, and the application of Jackson Simon for his enrollment as a Creek Freedman is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan]

1 inclosure.

Acting Secretary.

# 617

Refer in reply to the following:  
Land: 4948-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, February 15, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 16, 1905, transmitting the record of the application made, August 3, 1904, for enrollment as Creek Freedmen by Annie Simon for herself and her daughter, Ellen King and Jackson Simon for himself.

January 5, 1905, the Commission decided adversely to all the applicants.

The record shows that Annie Simon is the mother of the other applicants; that she was between forty and fifty years of age at the date of the application, and that she is not identified on the Dann Roll. It is further shown that Ellen King and Jackson Simon are not descendants of a person whose name is found on said roll.

It does not appear that any of the applicants have been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee,

M. M. M. V.

Acting Commissioner.

En. 619.

Muskogee, Indian Territory, August 12, 1905.

A. S. McRae,

Attorney for Annie Simon et al,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of August 4, 1905, the Secretary of the Interior affirmed the decision, dated January 5, 1905, of the Commission to the Five Civilized Tribes denying the application for the enrollment of Annie Simon and her daughter Ellen King as Creek freedmen, also the application of Jackson Simon for his enrollment as a Creek freedman.

Respectfully,

Acting Commissioner.

En. 619

Muskogee, Indian Territory, August 12, 1905.

M. L. Mott,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of August 4, 1905, the Secretary of the Interior affirmed the decision, dated January 5, 1905, of the Commission to the Five Civilized Tribes denying the application for the enrollment of Annie Simon and her daughter Ellen King as Creek freedmen, also the application of Jackson Simon for his enrollment as a Creek freedman.

Respectfully,

Acting Commissioner.

En. 619.

Muskogee, Indian Territory, August 12, 1905.

Annie Simon,

Wewoka, Indian Territory.

Dear Madam:

You are hereby advised that under date of August 4, 1905, the Secretary of the Interior affirmed the decision, dated January 5, 1905, of the Commission to the Five Civilized Tribes denying the application for the enrollment of yourself and your daughter Ellen King as freedmen of the Creek Nation.

Respectfully,

Acting Commissioner.

En. 619.

Muskogee, Indian Territory, August 12, 1905.

Jackson Simon,

Wewoka, Indian Territory.

Dear Sir:

You are hereby advised that under date of August 4, 1905, the Secretary of the Interior affirmed the decision, dated January 5, 1905, of the Commission to the Five Civilized Tribes denying your application for enrollment as a Creek freedman.

Respectfully,

Acting Commissioner.

CR EN 620

CR EN 620



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
TUSKOGEE, I.T. AUGUST 10, 1904.

In the matter of the application for the enrollment of Maria Dan,  
John King and Wesley Thompson as Creek Freedmen.

APPEARANCE: James Hart, attorney for applicants.

Maria Dan being duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Maria Dan.  
Q What is your age? A I don't know how old I is.  
Q About? A 25 I guess.  
Q What is your post office address? A Brush Hill.  
Q Do you make application for enrollment as a Creek Freedman? A Yes sir.  
Q Have you some children you want to make application for? A Yes sir.  
Q What is the name of the oldest? A Wesley.  
Q Wesley? A Wesley Thompson.  
Q How old is he? A I guess he is about 5 or 6 years old I reckon.  
Q What is the name of the next one? A John King.  
Q How old is he? A About 5 years old.  
Q Are these children living? A Yes sir.  
Q Live with you? A Yes sir.  
Q What is the name of Wesley Thompson's father? A Will Thompson.  
Q Is he a citizen of the Creek Nation? A No sir.  
Q A statemen? A Yes sir.  
Q What is the name of John King's father? A King is all I know.  
Q Is he a state man, too? A Yes sir.  
Q What town in the Creek Nation do you claim to belong to? A Creek Nation.  
Q Well, what town, do you know? A No sir, I don't know.  
Q Did you ever draw any money from the Creek Nation? A I draw once.  
Q How much did you draw? A I don't know.  
Q What is the name of your father? A George D an.  
Q Is he living? A No sir, dead.  
Q How long has he been dead? A About a year I guess.  
Q Was he a citizen of the Creek Nation? A Yes sir.  
Q Been enrolled here? A Yes sir.  
Q Got land? A Yes sir, he has got land.  
Q What is the name of your mother? A Lydia Ramsey.  
Q Is she living? A Yes sir.  
Q Is she a citizen of the Creek Nation? A No sir.  
Q State woman, is she? A No sir, Cherokee.  
Q Has your mother been enrolled as a citizen of the Cherokee Nation?  
A Yes sir.  
Q Got land over there? A Yes sir.  
Q Did you ever apply to be enrolled as a citizen of the Cherokee Nation over there? A No sir.  
Q Did anybody else make application for you, do you know? A No sir, I don't know nothing about it.  
Q Where do you live? A Out here in the Creek Nation.  
Q How long have you lived in the Creek Nation? A I was bred and born there.

Q Have you lived in the Creek Nation all your life? A Yes sir.  
 Q What is the name of your father's present wife? A Canary.  
 Q Who is Mary? A That's my father's wife.  
 Q Did he have any other children? A Yes sir.  
 Q What are their names? A I don't know their names.  
 Q Were your father and mother ever married, or do you know? A No sir,  
 I don't know.  
 Q Did you draw that money yourself or did somebody draw it for you?  
 A My uncle drew it--(Prompted by somebody.)

Sampson Dan being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Sampson Dan.  
 Q Do you know George Dan? A Yes sir.  
 Q Is he kin to you? A That's my brother.  
 Q Do you know Maria Dan? A Yes sir.  
 Q This woman here? A Yes sir.  
 Q Did you ever draw any money for her in the Creek Nation? A Yes sir, I  
 drew.  
 Q When was that? A Drew it at Okmulgee.  
 Q How much did you draw? A \$29.  
 Q What town was it in? A North Fork.  
 Q Was that the name she went by, Maria Dan? A Yes sir.  
 Q Was this girl ever called by any other name? A No sir.  
 Q Were you ever called by the name of Sampson Dyle or Doyle? A Yes sir  
 sometimes they called me Sampson Dyle; Dan was my father's name.  
 Q Do you know Sudom Grayson? A Yes sir.  
 Q Is he any kin to this girl? A Yes sir, must have been her step-  
 father.  
 Q Sudom Grayson was her step-father? A Yes sir.  
 Q Do you know Jim Grayson? A That's this girl's brother.  
 AA Sudom Grayson's son? A  
 Q Who is Hetty Dan? A That's this girl's sister.

The 1890 authenticated tribal roll of the Creek Nation examined  
 and Maria Dan identified thereon at page 154, North Fork town.

Q Do you know whether the \$14 was drawn for her or not? A No sir, I  
 don't know.  
 Q Was Hetty her full sister or half sister? A Half sister; different  
 mothers.  
 Q Do you know whether any money was ever drawn for this girl from the  
 Cherokee Nation? A No sir, I don't know.

The 1895 pay roll of the Creek Nation examined and Maria Dan  
 identified thereon at #1014, North Fork town; Wesley Dan identified  
 thereon at #1016.

Applicant recalled:

By the Commission:

Q What was your mother's name? A Lydia Ramsey.

Sampson Dan being recalled testified as follows:

By the Commission:

Q Did George Dan recognized Maria as his daughter during his life?  
 A Yes sir.  
 Q Always said she is his child, did he? A Yes sir.

The Dunn roll examined and George Dan identified thereon at #232.

Henry G. Hains being sworn on his oath stating that as stenographer to

the Commission to the Fine Civilized, since I reported the same, and  
and that this is a bill, the said amount in words of the same name  
notes in same.

Henry A. Harris

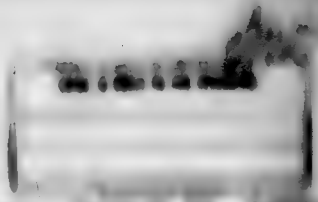
Subscribed and sworn to before me on the 17th day of June, 1901.

Charles H. Sawyer

Notary Public



RECEIVED IN THE OFFICE  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES



Washington, Indian Territory, August 26, 1906

Commission to the Five Civilized Tribes,  
Creek Enrollment Division

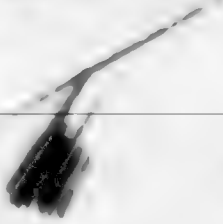
Enrollment

Receipt is hereby acknowledged of your letter of August 23, enclosing a copy of the testimony in the matter of the application of Maria Ann for the enrollment of herself and children, John King and Wesley Thompson. You state that Igola Runney, mother of Maria Ann, is a Cherokee citizen, and you ask to be advised if application has been made to the Commission for the enrollment, in the Cherokee Nation, of any of the persons above named.

In reply you are advised that the Commission's records fail to disclose that application has ever been made to the Commission for the enrollment, in the Cherokee Nation, of the above mentioned persons under the names given. The testimony enclosed with your letter is accordingly herewith returned.

Respectfully,

Encl. 5-87.



Chairman.

EX. 100, 1905

**COMMISSION TO THE FIVE CIVILIZED TRIBES.**

1910

In the matter of the application for the enrollment of  
Marie Tan, and her minor children John King and Wesley Thompson as  
Creek Indians.


**COMMISSIONER'S**


The record in this case shows that on August 10, 1904,  
Marie Tan appeared before the Commission at Muskogee, Indian Territory,  
and made application for the enrollment of herself and her  
minor children John King, and Wesley Thompson, as Creek Indians.  
The evidence shows that said Marie Tan is identified on  
the last authenticated tribal roll of the Creek Nation, and that the  
said Wesley Thompson are identified on the last pay roll of said Na-  
tion.

The evidence further shows that said John King is about  
five years of age, and that all of said applicants were living on  
the date of the application herein.

It is, therefore, the opinion of the Commission that said  
Marie Tan, John King and Wesley Thompson, should be enrolled as  
Creek Indians, in accordance with the provisions of the Act of  
Congress, July 20, 1906 (34 Stat. 225) and March 3, 1906 (34 Stat.  
225), and it is so ordered.

**COMMISSION TO THE FIVE CIVILIZED TRIBES.**

  
\_\_\_\_\_  
Commissioner.

  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,

FEB 8 - 1905

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
MUSKOGEE LAND OFFICE  
MUSKOGEE, I. T., July 8, 1908.

IN THE MATTER OF THE APPLICATION of Maria Rogers, nee Dan, Creek  
Friendman Roll No. 8680, to relinquish an allotment in the Creek Nation  
heretofore made to her.

MARIA ROGERS, being sworn, testified as follows:

- Q What is your name? A Maria Rogers.  
Q What was your maiden name? A Maria Dan.  
Q How old are you? A I don't know.  
Q What is your post office address? A Brushhill.  
Q Have you any idea how old you are? A No sir.  
Q Are you 18 years old? A I don't know.  
Q When were you married? A I don't know when I was married.  
Q How long have you been married? A About 2 months I guess or 3.  
Q Do you know the name of your husband? A Yes sir.  
Q What is his name? A Alex Rogers.  
Q Is he here today? A Yes sir.  
Q Are you and Alex Rogers now living together? A Yes sir.  
Q Is he a citizen of the Creek Nation? A No sir.  
Q It appears from the records of this office that on May 10, 1905,  
you made personal application as a partial allotment for yourself  
of the South Half of the North Half of the North East Quarter of  
the North East Quarter, the South East Quarter of the North East  
Quarter of the North East Quarter and the East Half of the South  
East Quarter of the North East Quarter of Section 33, Township 18  
North, Range 13 East, also the North East Quarter of the North  
East Quarter of Section 7, Township 11 North, Range 15 East, con-  
taining 80 acres, is it now your desire to relinquish whatever  
title that you may have acquired to such land by reason of your  
application for same? A Yes sir.  
Q What is your reason for wanting to relinquish this land? A Be-  
cause it was not the right land I wanted to file on.  
Q When did you find out it was not the right land? A I went up there  
and looked at the land and saw it was not.  
Q Did you go to the section corners? A Yes sir.  
Q How were the corners marked? A I don't know how they were marked  
my husband was with me.  
Q You say you did not know how the corners were marked? A No sir,  
I can not read or write.  
Q How do you know it was not the land you wanted? A He told me so,  
he was with me.  
Q He did not have to tell you it was the wrong land, did he? A Yes  
sir, he did tell me.  
Q When you were filing how did you happen to make a mistake? A I  
filed on some vacant land that they give me.  
Q When you came up here to file you did not have any land did you;  
you wanted the Commission to give you some land that was vacant?  
A No sir, I didn't have any land.  
Q You had no land at all when you came up here to make this appli-  
cation on the 10th day of May, 1905? A No sir.  
Q How do you make out then that you made a mistake and that you did  
not get the land that you wanted to get? A No answer.  
Q How long after you filed was it before you found out that you had  
the wrong land? A About a week or two I guess.

- Q Where is the land you intended to file on? A Up there by Burney.
- Q When did you see that land? A Before I came up here.
- Q About how long before you came up here did you see that land? A About a week.
- Q How does it happen that you did not file on that land? A Why that is the land we filed on, up there by Burney.
- Q That is the land described in this application, is it? No answer.
- Q Have you been over the land you filed on May 10, 1905? A Yes sir.
- Q When were you on that land? A About a month ago.
- Q What is the reason you don't want that land? A It is just rocks and hills and I don't want it; it is on top of a mountain.
- Q How far is this land from Burney? A About 4 miles I guess.
- Q You say the land up there by Burney is the land you applied for as your allotment? A Yes sir.
- Q That is the land you intended to file on? A Yes sir, but it was on top of a mountain.
- Q Did you not know it was on top of a mountain? A No sir.
- Q Did you not say you saw this land about a week before you came here? A Yes, I saw it.
- Q Didn't you know then it was hilly and rocky land? A I was not all over it.
- Q At that time that part was not hilly and rocky? A No sir.
- Q Now you say this land is all hills and rocks? A Yes, it is hills and rocks.
- Q It has changed since you filed on it then? No answer.
- Q In the event that this relinquishment is approved, what land do you desire to take in allotment in lieu of this piece? A Withers offers plat of Township 11 North, Range 15 East, with a portion of the land in Section 21 indicated as that which she desired to select in lieu of the land described in the application for relinquishment.
- Q When were you on this land in Section 21? A About two weeks ago.
- Q You have been on this land in Section 21 since you filed, have you not? A Yes sir.
- Q After you had made your application for allotment you then went to hunt up some more land to file on? A Yes sir, I went to hunt some to file my children on but I am not through yet.
- Q At the time you applied for an allotment you were satisfied with the land you had selected? A Yes sir.
- Q But some little time after you had filed you saw some land that suited you better and wanted to take it? A Yes sir.
- Q Who does the land in Section 21 belong to? A It belongs to me.
- Q Are there any improvements on that land? A There is no improvements on it.
- Q Just outside land, is it not? A Yes sir.
- Q How do you figure that the land belongs to you? A It will belong to me after I file on it.
- Q At the time you made application here you filed on some land south and East of Tulsa and also on 40 acres west of Brushhill, is it your desire to relinquish both tracts of land or just one of them? A I did not file on any land by Brushhill.
- Q How far is this land in Section 21 from Brushhill, if the land indicated in Section 21 is the land you intended to file on, how far from Brushhill is that land? A About 8 miles from Brushhill.
- Q Which way do you live from Brushhill? A West from Brushhill.
- Q Do you own a house up there? A Yes.
- Q How far is this land you want to file on from that house? A About a mile.
- Q Which direction is this land you want to file on from the place you are now living? A South.
- Q Which way is the land you filed on from your house? About west.
- Q At the time you filed on this land that lies west of your house, it was really the land you intended to file on? A Yes, but some one had filed on it.
- Q Did you not file on the land west of your house in Section 21? A Yes I filed on it but I did not know it was filed on until I



- filled on it.
- Q Didn't you know if anyone else had filed on the land, you could not file on it? A No answer.
- Q It is a matter of fact you did file on the land west of your house that you intended to file on? No answer.
- Q In place of that land in Section 7, what land is it you want to file on? A That 40 acres (witness indicates the North East Quarter of Section 31, Township 11 North, Range 16 East).
- Q At the time you filed did you have that plat with you? A No sir, I don't believe I did.
- Q How did you tell them what land you wanted to file on? Witness indicates the North East Quarter of the North East Quarter of Section 7, Township 11 North, Range 16 East.
- Q When was that particular part of the plat marked? A I don't know when it was marked.
- Q Who put those marks on this plat? A He made it.
- Q Who? A My husband marked it.
- Q When did he mark it - was it two weeks ago - were you present when he marked that plat? A Yes sir.
- Q Don't you know how long that has been? No answer.
- Q You say you did not have this plat with you at the time you filed? Yes sir, I had it.
- Q Didn't you on a minute ago you didn't have it? A No I said I had it.
- Q If you had the plat and it was marked with the land you wanted to file on, how does it happen that the other 40 acres was taken instead of that one? No answer.
- Q Had an one tried to come in into making this relinquishment? A No sir, no one tried to secure me.
- Q Anyone offered to pay you anything to make it? A No.
- Q How much are you going to get out of this deal in the event that your relinquishment is approved? A What kind of a deal.
- Q Is it not a matter of fact that you wanted to make this relinquishment in order that someone might buy this other land from you after you had filed on it? A No sir, I have no land to sell.

ALEX HUBBARD, born [redacted], testified as follows:

- Q What is your name? A Alex Hubbard.
- Q What is your post office address? A Randolph.
- Q What is your age? A 43 or 47.
- Q Are you married? A Yes sir.
- Q Are you married? A Yes sir.
- Q Where are you now living? A 3 miles west of Randolph.
- Q To whom are you married? A Maria Roberts.
- Q Is your wife the applicant in this relinquishment? A Yes sir.
- Q Are you familiar with the land she filed on May 10, 1908? A Why the land she filed on I never seen it but the land she intended to file on was the land she had been to and looked at but it was filed on.
- Q Now, did she intend to file on from that she did file on? A About 2 miles.
- Q At the time she filed she included in her allotment certain land southwest of section, do you wish or is it her intention to relinquish that land? A Yes sir, she wants that land.
- Q Now the place of land she wants to relinquish is the North East Quarter of the North East Quarter of Section 7, Township 11 North, Range 16 East? A Yes sir.
- Q What came in place of that is it that she wants to file on? A The North East Quarter of the North West Quarter of Section 31, Township 11 North, Range 16 East.

- Q In the land that you indicate as the North East Quarter of the South West Quarter, the identical piece of land she intended to file on May 10, 1905? A No sir, here is the piece she intended to file on, the South East Quarter of the North East Quarter of Section 7, Township 11, Range 15.
- Q That is the piece of land the applicant intended to select in allotment at the time she appeared at this office on May 10, 1905? A Yes sir, she had been on that piece of land before she came to file.
- Q What kind of land is it? A Its pretty fair land.
- Q Why is it that she does not want to select that land now? A She thought she had filed on it but when we went up there to cut the grass we found another man claimed it.
- Q At the time she filed here was she not told that piece of land was filed on? A No sir.
- Q Have you been on the land that was allotted to her? A I have been close to it.
- Q Has she been on it? A No sir.
- Q How do you know then that the land is no good? A It is on a mountain.
- Q Which direction is that piece of land from the land she intended to file on? A About a mile.
- Q What kind of land is the North East Quarter of the South West Quarter of Section 21? A Its bottom land.
- Q Is it in cultivation? A No sir, I don't think it is in cultivation. It is near some farms but it is not in cultivation.

The undersigned, being sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she recorded in full the proceedings in the above case and that the foregoing is a true and complete transcript of her stenographic notes thereof.

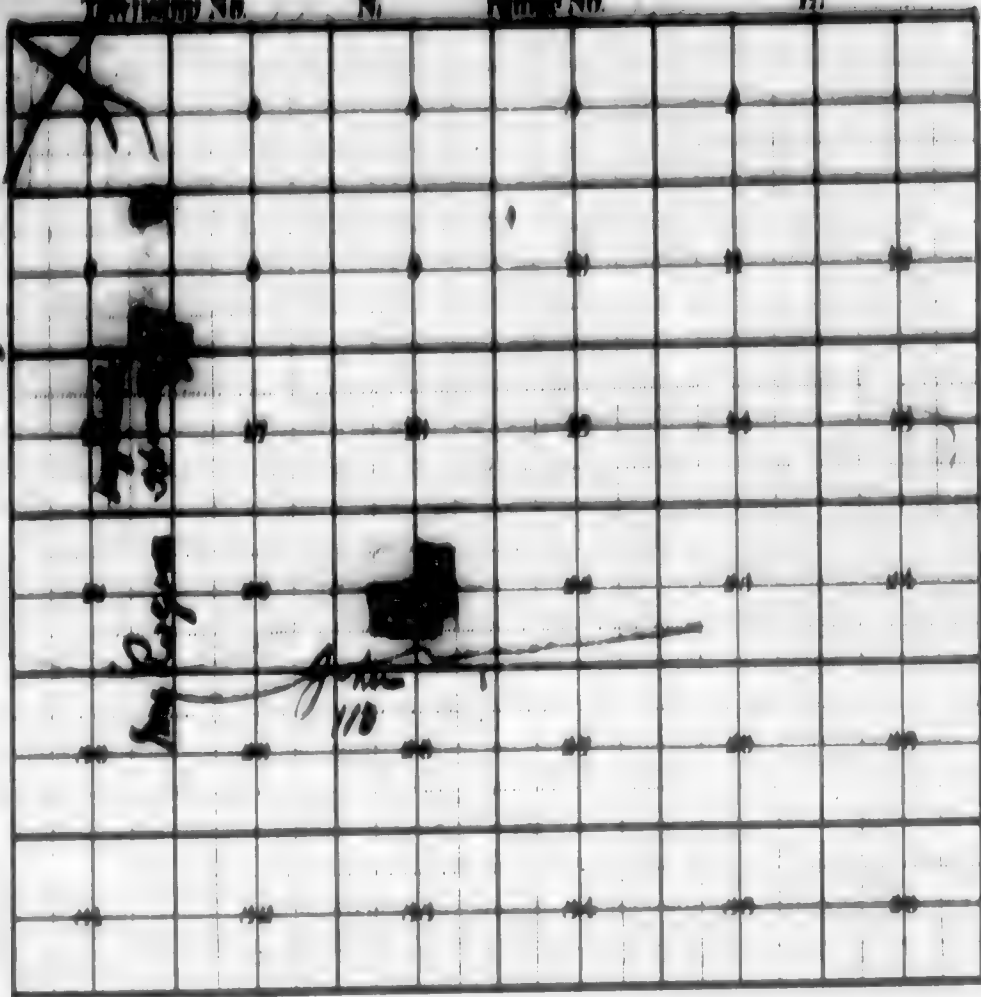
Mona E. Wallace

Subscribed and sworn to before me this 17 day of July, A. D., 1905, at Muskogee, Indian Territory.

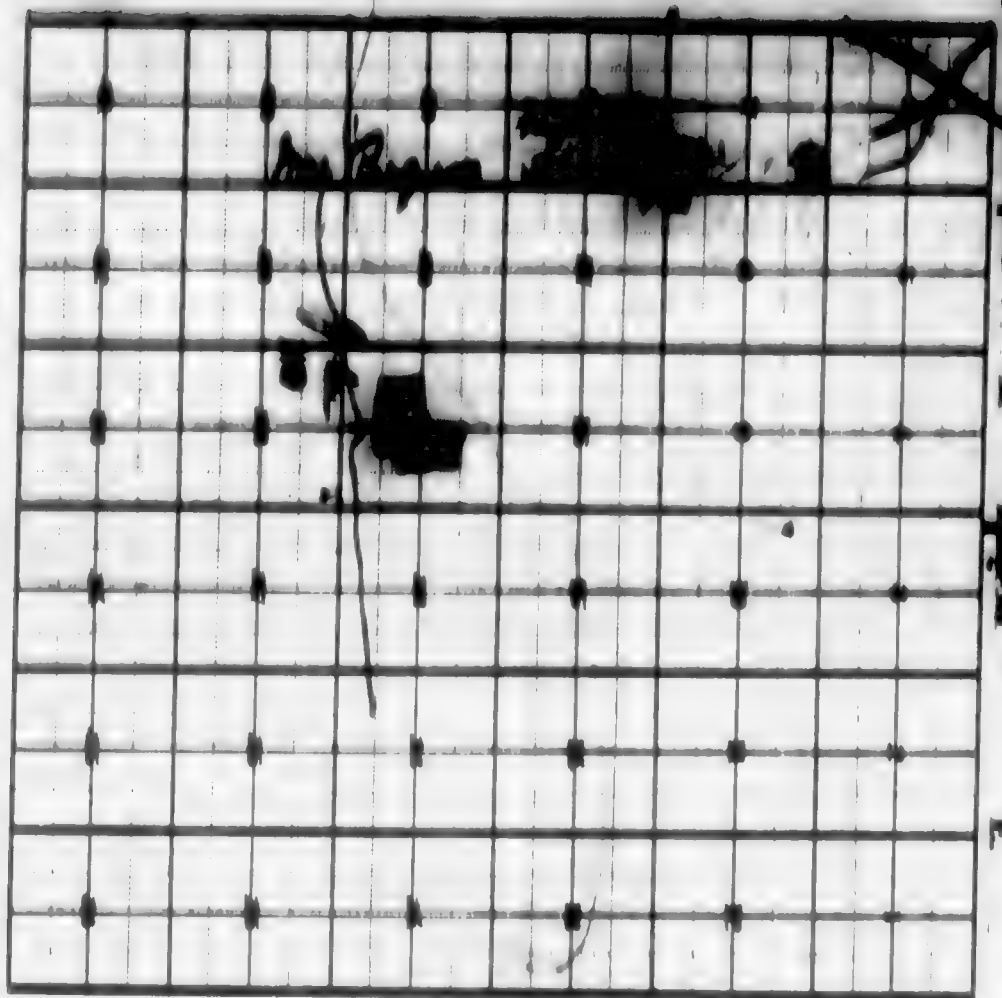
[Signature]  
Notary Public.

Denied this 24th day of July 1905.

[Signature]  
Commissioner.



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COMMISSIONER  
JAMES H. HARRIS,  
THOMAS B. HARRIS,  
C. B. HARRIS

W. H. HALL,  
Secretary

ADDRESS ONLY: THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

200  
No. 200.

Muskogee, Indian Territory, August 26, 1904.

Commission to the Five Civilized Tribes,  
Cherokee Enrollment Division.

Gentlemen:

On August 10, 1904, Maria Dan appeared before the Commission and made application for the enrollment of herself and children, John King and Wesley Thompson, as Creek Freedmen. A copy of the testimony is inclosed.

It appears from the evidence then submitted that Lydia Ramsey, mother of said applicant, Maria Dan, is a citizen of the Cherokee Nation.

You are directed to advise the Commission whether application was ever made for the enrollment of said applicants, or any of them, as citizens of the Cherokee Nation, and if so, what disposition has been made of the same.

Respectfully,

Commissioner in Charge.

1004-2-23-8

Handwritten: H2K

Chief of the

Muskogee, Indian Territory, February 5, 1906.

Mr. L. Mott,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Maria Dun, John King and Wesley Thompson as Creek Freedmen.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof to protest against said decision, and if, at the expiration of that time, no such protest has been made, said Maria Dun, John King and Wesley Thompson will be regularly listed for enrollment as Creek Freedmen.

Respectfully,

Chairman.

J. H. H. H.

*S. L.*  
En. 620.

Muskogee, Indian Territory, April 22, 1908.

James Hart,  
Attorney for Maria Dan, et al.,  
Muskogee, Indian Territory.

Dear Sir:

You are advised that the names of Maria Dan and her two minor children, John King and Wesley Thompson, are contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior April 6, 1908, and that application for selections of land in the Creek Nation may now be made for said Maria Dan and her two minor children at the office of the Commission, at Muskogee, Indian Territory.

Respectfully,

Chairman.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskegee, Indian Territory, July 24, 1908.

Chief Clerk,  
Creek Land Office,  
Muskegee, Indian Territory.

Dear Sir:

There is returned herewith the record in the matter of the application of Maria Rogers (nee Dan) to relinquish certain land which she selected in allotment on the 10th day of May, 1908.

It does not appear that this allottee has included in her selection of allotment any improvements belonging to another citizen of the Creek Nation, neither does it appear that she omitted from her selection of May 10, 1908, any land upon which she owned improvements, or that any error was made by her in said selection.

The application to relinquish is accordingly denied, and you are directed to prepare a letter so notifying the allottee.

Respectfully,



Commissioner.

Enc.  
DTS-6

Mc  
with letter dated  
11/10/1908 for record - 7/11

On May 10, 1908, Maria Rogers appeared at this office and selected as a portion of her allotment the North East Quarter of the North East Quarter of Section 7, Township 11 North and Range 10 East.

In her application to relinquish this land she says she made a mistake in her filing. However, in her testimony she states that the land she filed on was the land she intended to select. Her husband attempts to clear this statement up, by stating that the North East Quarter of the North East Quarter of said Section 7 is the land she desired to select.

Her "mistake" was evidently discovered after she had seen other land that suited her better. Recommend denial.

JUL 14 1908

CR EN CR/

CR EN 621

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 11, 1904.

In the matter of the application for the enrollment of Isabelle Jefferson as a Creek Freedman.

TOBE JEFFERSON, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Tobe Jefferson.  
Q How old are you? A I don't know.  
Q About how old are you? A At least forty.  
Q What is your post office address? A Reggs.  
Q Do you make application for the enrollment of Isabelle Jefferson as a Creek Freedman? A Yes, sir.  
Q Are you her father? A Yes, sir.  
Q What town does she belong to? A Canadian.  
Q How old is she? A Fifteen.  
Q What is the reason that you have not made application for the enrollment of this child before now? A I just got home from prison.  
Q Has that child lived in the Creek Nation all her life? A Yes, sir.  
Q Who does she live with? A Her mother.  
Q What is the name of her mother? A Martha Tobler.  
Q Was she ever called Isabelle Tobler? No response.  
Q Is she a citizen? A Citizen but never got her right approved.

The 1890 Authenticated Tribal Roll of the Creek Nation examined and Isabelle Jefferson identified thereon, Page 61, Canadian Town, as Eesebeel Jefferson.

The 1896 Pay Roll Creek Nation examined and Isabelle Jefferson identified thereon, Canadian Town, at No. 504, as Isabeel Jefferson.

- Q Did you draw the \$29.00 and the \$14.00 Payments for this child?  
A Yes, sir.

M. L. Mott, the attorney for the Creek Nation, enters an appearance in this case.

-----:O:-----

I, Drennan C. Skaggs, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

*Drennan C. Skaggs*

Subscribed and sworn to before me on this 28<sup>th</sup> day of August, 1904

*H. J. Martin, Jr.*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED

Oct 10 1890

RECEIVED

United States of America)  
Indian territory (as  
Western Judicial District)

In regard to the age of Isabell Jefferson A creek Freedm

Marthy Tubler, of lawful age being dy me first duly sworn upon her  
oath says that she is the Mother of Isabell Jefferson that she is  
A citizen of Okmulgee Creek Nation. that she knows of her own personal  
knowledge that the said Isabell Jefferson was born Sept. 17, 1886.

*Witness*

*E. J. McDowell*  
*J. H. Nichols*

Subscribed and sworn to before me this the 5th day of Oct, 1904

*Marthy Tubler*  
*E. J. McDowell*

My com, Ex.

*Sept 17 - 1904*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

Oct 15 04.

CHAIRMAN.



United States of America )

Indian Territory (ss.

Western Judicial District)

In re the age of Isabell Jefferson, a Greek Freedman.

Tobe Jefferson, of lawful age, being by me first duly sworn upon his oath says that he is the father of Isabell Jefferson, a Greek Freedman; that he is a Greek Freedman, his roll number being 4547; that he knows of his own personal knowledge that the said Isabell Jefferson was born Sept. 17, 1896.

*Witness to mark*  
*E. H. Moore*  
*E. J. D. Duvall*

Subscribed and sworn to before me this the 5th. day of October, 1904.

*Tobe Jefferson*  
*E. H. Moore*  
Notary Public.

My Com. Ex. *Sept 17, 1906.*

Ex. 91,

No. 681.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Isabelle Jefferson as a Creek Freedman.

- I D E C I S I O N -

The record in this case shows that on August 11, 1904, Tobe Jefferson appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his minor child, Isabelle Jefferson, as a Creek Freedman.

The evidence shows that said Isabelle Jefferson is identified on the 1890 Authenticated Tribal Roll of the Creek Nation and on the 1890 Pay-roll of said Nation.

The evidence further shows that said Isabelle Jefferson is about eighteen (18) years of age, and living at the date of the Application herein.

It is, therefore, the opinion of the Commission that said Isabelle Jefferson should be enrolled as a Creek Freedman in accordance with the provision of the Act of Congress, June 26, 1896 (50 Stat. 495), and March 1, 1901 (31 Stat. 681), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
CHAIRMAN.

  
COMMISSIONER.

  
C. P. R. Jones.  
COMMISSIONER.

Muskogee, Indian Territory.

FEB 21 1905

H. L. N.

No. 621

Muskogee, Indian Territory, October 10, 1904.

M. T. McDowell,

Okmulgee, Indian Territory.

Dear Sir:

Receipt is acknowledged of your letter of October 5, inclosing two affidavits relative to the birth of Isabell Jefferson; the same have been made a part of the record in the matter of the application for her enrollment as a citizen of the Creek Nation.

Respectfully,

Chairman.

8813  
Creek No. 621

Muskogee, Indian Territory, December 8, 1904.

Isobell Jefferson,

Okmulgee, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of December 6, requesting to be advised when your case will be decided. You also request plats showing vacant lands, T. 14, R. 10, T. 14, R. 11, T. 13, R. 10, and T. 13, R. 11.

In reply you are advised that a decision has not been rendered by the Commission in the matter of your application for enrollment as a citizen of the Creek Nation. When the case is disposed of you will be duly notified.

Plats requested are inclosed.

Respectfully,

Chairman.

HCH-7-1-12

62/  
Muskogee, Indian Territory, January 6, 1905.

Isabel Jefferson,

Okmulgee, Indian Territory,

Dear Madam:

The Commission is in receipt of your letter of January 3, 1904, in which you request to be informed as to what disposition has been made of your case.

August 11, 1904, application was made to the Commission for your enrollment as a citizen of the Creek Nation.

The case is now before the Commission for its decision. When action is had in the matter, the parties in interest will be duly notified.

Respectfully,

Chairman.

OF NO 681

Muskogee, Indian Territory, February 24, 1906.

L. L. Mott,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Isabelle Jefferson as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if, at the expiration of that time, no such protest has been made, said Isabelle Jefferson will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

John Brown

JYM-24-34.



April 31st 1926

Dawn Commission  
Mr. Charles D. Rogers, of  
Chicago I. F. is my  
Attorney, and I hereby authorize  
him to act for me in securing  
my indictment and my filing  
Respectfully,

Isabel Jefferson

6 11 11 11



COMMISSIONERS:  
TAMM BIXBY,  
THOMAS S. NEEDLER,  
C. R. BRUCKENRIDGE.

WM. C. BRALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

*Hest*  
REFER IN REPLY TO THE FOLLOWING:

En. 621.

Muskogee, Indian Territory, June 3, 1905.

Isabelle Jefferson,

Beggs, Indian Territory.

Dear Madam:

You are hereby advised that your name is contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior May 23, 1905, and that application for a selection of land in the Creek Nation may now be made at the office of the Commission in Muskogee, Indian Territory.

Respectfully,



Commissioner in Charge.

CR EU 622

CR EU 622

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 11, 1904.

In the matter of the application for the enrollment of Samantha E., Connie O., Ollin, Vera S. and John P. Newton as citizens by blood of the Creek Nation.

APPEARANCES: M. L. Mott Attorney for Creek Nation:

SAMANTHA E. NEWTON, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Samantha E. Newton.  
Q How old are you? A Forty-nine.  
Q What is your post office address? A Mounds, Indian Territory.  
Q Do you make application for enrollment as a citizen by blood of the Creek Nation? A Yes, sir.  
Q Have you some children for whom you wish to apply? A Yes, sir.  
Q The oldest is Connie O? A Yes, sir.  
Q How old is she? A Twenty-two.  
Q Is that a girl? A Yes, sir.  
Q Not married? A No, sir.  
Q Is she living with you? A Yes, sir.  
Q Has she lived with you all her life? A Yes, sir.  
Q The next is Ollin? A Yes, sir.  
Q How old is he? A Eighteen.  
Q Is that a boy? A Yes, sir.  
Q The next is Vera S? A Yes, sir.  
Q How old is she? A Sixteen.  
Q And the next is John P? A Yes, sir.  
Q How old is he? A Fourteen.  
Q Are they all living with you? A Yes, sir.  
Q Where do you live? A With my father here now.  
Q How long have you been in the Creek Nation? A Since the first of last month.  
Q Where did you formerly reside? A In Texas.  
Q How long did you live in Texas? A Born and raised there.  
Q Never lived here before this? A No, sir.  
Q Is your husband living? A No, sir.  
Q Have you a home in Texas? A Yes, sir.  
Q Have you a home in the Creek Nation? A No, sir, I haven't any home only I am living with my father.  
Q Have you in good faith removed to the Creek Nation for the purpose of remaining? A Yes, sir.  
Q Did you ever draw any money from the Creek Nation? A No, sir.  
Q You claim the right to enrollment by virtue of having been admitted to citizen by the Colbert Commission? A Yes, sir.

The records of the Colbert Commission examined and in book 2 of said records, Page 45, it appears that Samantha E. Newton was, by said Commission, admitted to citizenship in said Nation.

- Q Mrs. Newton, in the act of Congress, approved March 1, 1901 and ratified by the Creek National Council, May 26, 1901, it is provided that the Commission has authority to enroll a certain class of people, naming them, who are not residents: Provided that such non residents shall in good faith remove to said Nation before the Commission shall complete the Rolls of the Creek Citizens. Have you in good faith removed to the Creek Nation? A Yes, sir, I have.

Samantha E. Newton-et al.,---2.

By M. L. Mott:

- Q Your husband is dead? A Yes, sir.  
Q Do you own property in Texas? A Yes, sir.  
Q What is it? A A home and a little property besides. It is all in the hands of agents for sale except my home.  
Q Do you live in the country or city? A City.  
Q What town? A Seymore.  
Q What size town? A A small town.  
Q Did you come here voluntarily or did you come here at the request of your father? A No, sir.  
Q Do your people live in Texas other than your own family? A Yes, sir. I have one brother.  
Q Living in that same town? A Lives in the country.  
Q Near there? A Ten miles.  
Q What is your property worth--your home? A Well I don't know.  
Q How long you lived in Texas? A Born and raised in Texas.  
Q Where does your father live here? A Near Mounds.  
Q Is it in the country? A Yes, sir.  
Q You were raised in the city all your life? A No, sir, I was raised in the country mostly.  
Q Are you much attached to your Texas home? A Well I was as long as my husband lived.  
Q Are you not going back there to live permanently? A No, sir.  
Q Are you going there to educate your children? A Yes, sir.  
Q Do you expect to live there while they are at school? A No, sir. I will have to go back. I want to see my home as soon as I can.  
Q Is that the reason you didn't see your home? A No, sir. I have not had time.  
Q You swear you are going to make this your home? A Yes, sir. I am going to live with my father until I can get a home.  
Q If your father should die do you intend to stay here? A I don't intend to live with him always. Just at present.  
Q I am only asking these questions so as to find out if you are going to make this your home in good faith? A All my relative live here.  
Q Whether your father lives or dies you are going to stay? A Yes, sir, as far as I know.

By Commission:

- Q Have you brought you household goods with you to the Indian Territory? A Yes, sir.

By M. L. Mott:

- Q Bring you furniture? A No, sir. I am going to buy new furniture

By Commission:

I will state now that it will be necessary for your oldest daughter to appear here because she is of age and she must give evidence that she has removed to the Indian Territory in good faith.

JOHN B. SELF, being duly sworn, testified as follows:

By Commission: What is your name? A John B. Self.

- Q How old are you? A Seventy-eight.  
Q What is your post office address? A Mounds, Indian Territory.  
Q Are you the father of Samantha E. Newton? A Yes, sir.  
Q Has she recently come to your house from Texas? A Yes, sir. The first of last month.  
Q Have you heard her express her intentions as to whether she has in good faith removed to the Creek Nation? A Yes, sir.  
Q What did she say about it? A She has been intending to remove here and has been writing to me about it for the last two years. She has a great deal of unsettled business there and will cause her temporary absence from here.

Samantha E. Newton et al.,---3.

Q You have heard her express herself as to living here? A Yes, sir.

By K. L. Mott:

Q Do you own a home in the Indian Territory? A Yes, sir.

Q You are a Creek citizen are you? A Yes, sir.

Q Did you draw an allotment? A Yes, sir.

Q You live on that? A Yes, sir.

Q Have you any children who have allotments in the Indian Territory?

A Yes, sir.

Q Live near you? A Yes, sir. The farthest one lives about four miles from me.

Q How many other children of yours that have allotments? A Four others.

Q Is your wife living? A Yes, sir.

-----:0:-----

I, Brennan C. Skaggs, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 23 day of August, 1904.

*Brennan C. Skaggs*

*W. B. Martin Jr.*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 16, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Samantha E. Newton et al., as citizens by blood of the Creek Nation.

CONNIE O. NEWTON, being duly sworn, testified:

By Commission:

- Q What is your name? A Connie O. Newton.  
Q How old are you? A Twenty-two.  
Q What is your post office address? A Mounds, Indian Territory.  
Q Are you a daughter of Samantha E. Newton? A Yes, sir.  
Q Are you married? A No, sir.  
Q Where were you born? A Gainesville, Texas.  
Q Do you now reside in the Creek Nation? A Yes, sir.  
Q How long have you resided in the Creek Nation? A Since about the first of July.  
Q Have you any property in Texas? A No, sir.  
Q Have you any in the Creek Nation? A No, sir.  
Q Have you always lived in your mother's family? A Yes, sir.  
Q Have you in good faith removed to the Creek Nation for the purpose of making it your home? A Yes, sir.  
Q You have no present intention of returning to Texas? A No, sir.

---ooo000ooo---

I, Drennan C. Skaggs, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 26 day of August, 1904.

Edward Morris  
Notary Public.

E664  
En. 622.  
JJB

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:0:-

In the matter of the application for the enrollment of Samantha E., Connie O., Ollin, Vera S. and John P. Newton, as citizens by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on August 11, 1904, Samantha E. Newton appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her children, Connie O., Ollin, Vera S. and John P. Newton, as citizens by blood of the Creek Nation.

Further proceedings in the matter of said application were had at Muskogee, Indian Territory, August 16, 1904.

The evidence shows that said Samantha E. Newton was admitted to citizenship in the Creek Nation by the Colbert Commission, September 4, 1896.

The evidence further shows that said Connie O., Ollin, Vera S., and John P. Newton are the children of said Samantha E. Newton, and that they were all living at the date of the application herein; and were minors at the time their mother was admitted to citizenship in the Creek Nation.

The evidence further shows that said applicants were non-residents of Indian Territory, March 1, 1901, and that they have in good faith removed to the Creek Nation.

It is, therefore the opinion of the Commission that said Samantha E. Newton, should be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the Act of Congress, March 1, 1901, (31 Stat. 861), and it is so ordered.

It is, further the opinion of the Commission, following the ruling of the Department in the Angeline King Creek case, that Connie O. Newton, Ollin Newton, Vera S. Newton, and John P. Newton, should be enrolled as citizens by blood of the Creek Nation in accordance with the provisions of the Act of Congress, March 1, 1901, (31 Stat. 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,



WLSK

Creek No. 622

Muskogee, Indian Territory, January 6, 1906.

M. I. Mott,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Connie O., Ollin, Vera S. and John P. Newton as citizens by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said parties will be regularly listed for enrollment as citizens by blood of the Creek Nation.

Respectfully,

Chairman.

En. 628.

Muskogee, Indian Territory, January 24, 1905.

Samantha E. Newton,  
Mounds, Indian Territory.

Dear Madam:-

For the purpose of perfecting the records of the Commission it is desired that you furnish said Commission with the name and citizenship of your mother and whether she is living or dead; also, the name and citizenship of the father of your children, Connie G., Ollin, Vera S., and John P., and whether he is living or dead.

This matter should receive your prompt attention.

Respectfully,

Chairman.

CR EN 623

CR EN 624-625  
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CR EN 623

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 12, 1904.

In the matter of the application for the enrollment of Cornelius Grayson as a Creek Freedman.

APPEARANCES: M. L. Mott Attorney for Creek Nation:

PETER GRAYSON, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Peter Grayson.  
Q How old are you? A About fifty-five.  
Q What is your post office address? A Checotah.  
Q Do you make application for the enrollment of Cornelius Grayson as a Creek Freedman? A Yes, sir.  
Q Is the child living? A Yes, sir.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q Are you the father of Cornelius? A Yes, sir.  
Q What is the name of his mother? A Mary Grayson.  
Q Are you and your wife both citizens of the Creek Nation? A Yes, sir.

The records of the Commission show that Peter and Mary Grayson are listed for enrollment on Creek Freedman Card, Field No. 291, and that their names are contained in the partial list of Creek Freedman, approved by the Secretary of the Interior, March 13, 1902, Nos. 1058 and 1059 respectively.

- Q How old is Cornelius? A A little over three.  
Q How much over three is he? A The 10th of April 1901 he was born.  
Q Do you remember of coming to file on your land for yourself and family? A Yes, sir.  
Q Why didn't you file for that boy then? A No response.  
Q Was he living then? A Yes, sir. I guess he was born.  
Q Do you remember when you left him to file? I can't tell when I filed for myself.  
Q Was that boy born then? A I don't think he was born when I filed.  
Q When you come and filed on your land I understand you to say that you don't think the child was born? A Yes, sir. I think he was born the Spring after I filed.  
Q I see your wife went before a notary public on the 5th of September 1902 and made an affidavit about this child. Why is it you have waited so long about this? A I was notified to come here. I had not paid much attention to it.  
Q If you knew this child was entitled to enrollment why is it you have not looked out for his interests before now? A We were just slothful.  
Q You knew that you had filed for the balance of your family and here was a child you was letting it drag along and it might have been cut out? A Yes, sir.  
Q When did you learn that this child was entitled to enrollment? A I found that out----I can't tell you---before the application was made.

MARY GRAYSON, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Mary Grayson.  
Q How old are you? A I don't know, sir.  
Q Well about how old? A About thirty.

Cornelius Grayson---2.

- Q What is your post office address? A Checotah.
- Q Are you the mother of Cornelius Grayson? A Yes, sir.
- Q Are you the wife of Peter Grayson? A Yes, sir.
- Q You remember that Peter came and filed on the land for the balance of you don't you? A Yes, sir.
- Q Was that child born then? A No, sir. She wasn't born then. He was born in 1900.
- Q Was he born when you filed? A No, sir?
- Q Was that a boy or girl? A Girl.
- Q Are you positive that the child wasn't born when Peter came and filed for the family? A Yes, sir.
- Q How long after that was it before he was born? A I don't know. A year I guess.
- Q Did you make any record of the date of the birth of this child? A No, sir, I didn't write it down.
- Q When was that child you have in your arms born? A 14th of June.
- Q What year? A 1904.
- Q This year? A Yes, sir. This 1904.
- Q Have you any children between Cornelius and this child which you have in your arms? A No, sir.
- Q What is the name of your child next older than Cornelius? A Joe.
- Q Did you have any between Joe and Cornelius? A No, sir.
- Q Have you got any children dead? A Yes, sir. Got three dead.
- Q When was Cornelius born? A 1901.
- Q What time? A 10th April.
- Q When was Joe born? A I forgot when he was born. He was just a month old when they first registered.
- Q Why is it you can remember the exact date of the birth of Cornelius and you don't that of Joe? A Why we set it down of Cornelius.
- Q I understood you to say you didn't set it down. Did you set it down on a book or anything? A We got it on a paper and when we went to town before a notary public we knew the date and we just sent it in.
- Q How old is Cornelius now? A Going on four.
- Q When will he be four? A The 10th of April he will be four years old.

ISAAC WARRIOR, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Isaac Warrior.
- Q How old are you? A Thirty-six.
- Q What is your post office? A Brush Hill.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q Are you married? A Yes, sir.
- Q Have you got any children? A Yes, sir.
- Q Got any child younger than Grace? A Yes, sir. Curtis Warrior.
- Q How old is he? A Over three years. Three past.
- Q You have filed for him? A Yes, sir. Got his certificates. They are in my pocket now.
- Q Do you know Peter Grayson and his wife Mary? A Yes, sir. They live close to me.
- Q How far do you live from them? A A mile and a half.
- Q How long have you been living that near to them? A About eight or ten years.
- Q Do you know a child of theirs named Cornelius? A Yes, sir.
- Q When was your child, Curtis, born? A Along in November. I think it was in November or December.
- Q Do you know when that child was born? A In April, 1901. The reason I remember, the question came up whether that child was entitled or not and I told them according to the Treaty it was.
- Q Are you a member of the Council? A Yes, sir.

Cornelius Grayson---3.

- Q Was you a member when that Treaty was passed? A No, sir.  
Q Are you a member of the Council now? A Yes, sir.  
Q You were not a member the time before this? A No, sir. December was my first term.  
Q Do you remember of hearing of the passing of the first treaty the first time? A Yes, sir. I remember ~~the~~ the old agreement.  
Q Do you remember of hear it was passed at the time? A Yes, sir.  
Q Were you at Okmulgee then? A No, sir.  
Q You heard of it soon after it was passed? A Yes, sir.  
Q Was this child Cornelius living when it was passed? A I don't know whether this child was living then. This child come in after that-----yes, sir, it was here before the supplemental Agreement was passed. Along after the time.  
Q You don't understand what I want. The Supplemental Agreement provided that children living on a certain day should be enrolled. What I want to know is whether you remember whether this child was born when the first agreement was ratified by the Creek Nation? A I can't tell you positive whether it was born or not. I don't remember just when the agreement was ratified.  
Q I don't want you to remember the date I just what you to remember whether the child was living or not? A I couldn't tell you positive.  
Q Which is the oldest your child or Cornelius? A Curtis is a little older. Might be some months but not a year.  
Q How many months? A I don't know.  
Q When do you say Curtis was born? A About November. I am not positive.  
Q When do you say Cornelius was born? A In April.  
Q Why is it you remember when another man's child was born and you don't remember your own? A I remember that because the question come up about it and I never did forget that.  
Q You was not allowed to enroll you own child until that Agreement was passed? A I enrolled it.  
Q They didn't give you any certificate? A They reserved it for me.  
Q This child and your child were in the same position, that being true, why is it you remember the date of the birth of your neighbor's child better than you do your own? A The reason of that, this child was born in April and April is easy to remember. April the 10th nearly every man commences to plant cotton on that time and that is why I remember that.

PARTHENIA GREEN, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Parthenia Green.  
Q How old are you? A I don't know, sir.  
Q Well about how old? A About 25 or 26.  
Q What is your post office address? A Brush Hill.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q Do you know Peter Grayson and his wife, Mary? A Yes, sir.  
Q How far do you live from them? A About three miles I live from them now.  
Q Do you know a child of theirs named Cornelius? A Yes, sir. I am living with her.  
Q When was that child born? A 1901, April the 10th.  
Q Have you a child named Mary? A Yes, sir.  
Q When was that child born? A In----1908 I think. I don't remember what year she was born in.  
Q What month and what day? A 14th day of January. The 14th day of this coming January she will be seven years old.  
Q Have you any other children? A Yes, sir.  
Q What is the name of the other child? A Floyd Hardgray.  
Q How old is Floyd? A Will be five years old the 28th of this coming December.

Cornelius Grayson---4.

- Q What year was he born in? A 1899.  
Q You mean 1899? A 1899.  
Q Can you read and write? A Yes, sir.  
Q Have you talked over with Peter and Mary about the birth of this child, recently? A Yes, sir. I was living right with her when the child was born.  
Q When that told you that they wanted you as a witness in the case did you talk over with them as to the date of the birth? A Yes, sir.  
Q You were present when the child was born? A Yes, sir.

The records of the Commission show that a citizenship certificate was issued to Peter and Mary Grayson, January 18, 1900.

By M. L. Mott:

- Q Did you live with these people? A I don't now.  
Q Did you then? A Yes, sir.  
Q Have they got any other child? A Yes, sir.  
Q How many others? A Five or six of them.  
Q Were you there when any of the others were born? A No, sir. I was there when the next one, next to Cornelius, was born.  
Q What date was it born on? A I don't remember.  
Q Why can't you remember that? A She was born in May but I don't remember what day. She is older than Cornelius.  
Q How much older? A Might near four years.  
Q Was there any special instance that caused you to know that Cornelius was born on April 10, 1901? A I was right there with them.  
Q You was right there with them at the time the other was born? A I remember that because we set it down. They said they could file for it and I was right there with them.  
Q When did they say that? A After they made out the affidavit.  
Q That was six months afterwards wasn't it? A For Cornelius?  
Q Yes, sir, for Cornelius? A No, sir. In 1901.  
Q It was born on April 10, 1901 and the affidavit was made the 15th day of December, 1902. It was a year and a half wasn't it? A Sir.  
Q You say you remember the date of its birth because they called you for a witness and you remembered it because the affidavit was made? A I wasn't with them when the affidavit was made.  
Q Where did you go when the child was born? A I went and lived with my aunt.  
Q Been there ever since? A Yes, sir.  
Q When did you go to your aunt? A Moved the same year of the birth  
Q You have nothing to refresh your memory on except you was there?  
A Yes, sir, I was right there.

PETER GRAYSON recalled:

By Commission:

- Q Are you a member of the Creek Council? A No, sir.  
Q Was you ever a member? A No, sir.  
Q Do you remember of hearing of the passing of the first treaty? A I tell you that is something I don't bother with.  
Q You don't remember of hearing of that? A I heard of it but don't know the time and don't know the meaning of it.  
Q Did you hear of it about the time it passed? A We were talking about it. I don't know the meaning of that.  
Q Was this child born when you heard them talking about this first treaty? A I can't tell you that.  
Q You don't bother you mind about treaties and such things? A No, sir. All I do is farm.



Cornelius Grayson---5.

- By M. L. Mott:
- Q Why did you wait so long before you made this application? A You see we have the old Indian Rule and I wouldn't a been here now but they tell me it was the last month.
- Q You waited for eighteen months before you appeared? A I don't bother about anything like that.
- Q You know it was a mighty close thing. It was just a question of just a few weeks? A Well I didn't know enough to know that.
- Q Did you file the other child? A They filed it.
- Q Had you filed for yourself? A Yes, sir.
- Q Your wife filed? A Yes, sir.
- Q When did you file? A Along about the first.
- Q As soon as you found out you could file you come and filed? A I don't think it was the first but right at it.
- Q You filed for your wife did you? A I filed for them all.
- Q How many children did you file for? A Four of mine.
- Q You filed for them right about the beginning? A About the middle.
- Q After what date was it this child had to be born to prevent it from getting an allotment do you know what date? A I don't know.
- Q Have you a child younger than this one? A One older than this one, one dead and one younger.
- Q You filed for this one? A No, sir.
- Q You know it is too young? A Yes, sir.
- Q You did know that a child could be too young to file for? A Yes, sir.
- Q What date would it have to be born on so you could file for it? No response.
- Q Why have you not filed for the child you have not filed for? A This is the only one.
- Q Why haven't you filed for it? A I got since enough to know I can't file for it.
- Q How old is it? A A little over a month.
- Q Have you got one older than that? A Yes, sir.
- Q Did you file for it? A No, sir.
- Q Why? A It was dead.
- Q Didn't you know people filed for dead children? A I don't know.
- Q You say you don't know you could file for that child because it was dead? A No, sir. I didn't know.
- Q Can you swear that no one in your neighborhood that you know of filed for dead children? A I can. I just heard of one yesterday.
- Q Have you ever filed for any dead children? A No, sir.
- Q When did you find out that the one younger than that you couldn't file for it? A It died and I did not bother with it.
- Q Why didn't you go and file for it? A I heard once that the dead didn't get anything.
- Q Where do you live? A Brush Hill. My post office is Chacotah.
- Q A good many colored people around there? A It is a small settlement.

---ccc000ooo---

I, Drennan C. Skaggs, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 21<sup>st</sup> day of August, 1904.

*Drennan C. Skaggs*  
*Charles H. Sawyer*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

2813

-:O:-

In the matter of the application for the enrollment of  
Cornelius Grayson as a Creek Freedman.

-: D E C I S I O N :-

The record in this case shows that on August 12, 1904, Peter Grayson appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his minor child, Cornelius Grayson, as a Creek Freedman.

The evidence shows that said Cornelius Grayson is the minor child of Peter and Mary Grayson, whose names are contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior, March 13, 1902, Roll Nos. 1058 and 1059, respectively; that said Cornelius Grayson was born April 10, 1901, and living at the date of the application herein.

It is, therefore, the opinion of the Commission that said Cornelius Grayson should be enrolled as a Creek Freedman, in accordance with the provision of the Act of Congress, June 30, 1902. (32 Stat. 500), and it is so ordered.

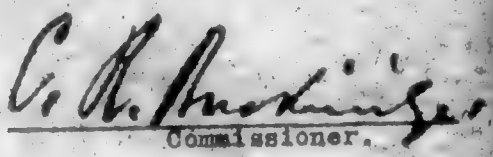
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

FEB 2 - 1905

Creek En 623

Luskogee, Indian Territory, February 6, 1905.

M. L. Mott,  
Attorney for the Creek Nation,  
Luskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Cornelius Grayson as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof to protest against said decision, and if, at the expiration of that time, no such protest has been made, said Cornelius Grayson will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

*Tam's Bixby*  
Chairman.

JYM-6-60.

CR EN 626

CR EN 626

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 12, 1904.

In the matter of the application for the enrollment of Charity Bentley as a Creek Freedman.

APPEARANCE: M. L. Mott, Attorney for ~~applicant~~ Creek Nation.

Charity Bentley being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Charity Bentley.  
Q How old are you? A Twenty-eight.  
Q What is your post office address? A South McAlester.  
Q Do you live in South McAlester? A I do now at the present.  
Q Do you make application for enrollment as a Creek Freedman? A Yes sir.  
Q Did you ever live in the Creek Nation? A Yes sir.  
Q When? A When I was of age I was born in the Creek Nation and taken away when I was a month old.  
Q Where were you taken to? A Ft. Scott Kansas.  
Q How long did you live in Kansas? A Until 1894.  
Q Then where did you go? A To the Territory.  
Q To the Creek Nation? A Yes sir.  
Q How long did you live in the Creek Nation? A Until a year ago.  
Q Did you go then to South McAlester? A Yes sir.  
Q Been there ever since? A Yes sir.  
Q What is the name of your father? A Jack Holmes.  
Q Is he living or dead? A Dead.  
Q How long has he been dead? A Since '84.  
Q What is the name of your mother? A Sibbie Holmes.  
Q Living or dead? A She's dead.  
Q How long has she been dead? A Ever since I was a month old.  
Q Was your father a citizen of the Creek Nation? A Yes sir.  
Q Was your mother? A No sir.  
Q Your mother was a state woman, was she? A Yes sir.  
Q Did you ever draw any money from the Creek Nation? A No sir.  
Q What town in the Creek Nation do you claim to belong to? A Canadian.  
Q Was your father ever known by any other name except Jack Holmes.  
A His other name was Jack Munga.  
Q Any other that you know of? A No sir, not that I know of; his uncle's name was Gouge..  
Q Have you got any brothers and sisters besides Ned Holmes? A Yes sir Monday and Ned Holmes and Amy Jefferson.  
Q Do you know Delila Halls? A No sir.

Redmond Holmes being duly sworn, testified as follows:  
Examination by the Commission:

- Q Give your name, age and post office address? A Redmond Holmes; 38; Wetumka.  
Q Do you know Charity Bentley? A Yes sir.  
Q Is she your half sister? A Yes sir.  
Q Same father? A Yes sir.  
Q Different mother? A Yes sir.

Q What is the name of her mother? A I never did know her mother; Sibbie Holmes she said.  
 Q What is the name of your father? A Jack Holmes.  
 Q What other names was he known by? A Sometimes Jack Hunzy.  
 Q Do you know Delilah Hall? A No sir.  
 Q Do you know Jacob Toney? A No sir.  
 Q What is the name of your mother? A Nellie Holmes, called Nellie Gouge sometimes.  
 Q What town did your father belong to? A Canadian town.  
 Q Is your name on the Dunn roll? A I don't know.  
 Q Have you got a brother named Jack? A Yes sir.  
 Q One named Monday? A Yes sir.

The Dunn Roll examined and Nellie Gouge and Redmund Gouge identified thereon; the father of the applicant is not identified on that roll.

(To the applicant) Q Do you know whom your mother belonged to? A No sir, I don't; I never seen my mother.

(To Redmond Holmes) Q How long has your father been dead? A Ever since 1883.

Q Do you know whether he was recognized as a citizen of the Creek Nation or not? A Yes sir.

Q What town did he belong to? A Canadian town.

Q You have a brother named Jack have you? A Yes sir

Q Full brother? A Yes sir.

Q Older than you? A Yes sir.

The tribal rolls of the Creek Nation in the possession of the Commission examined and the applicant not identified on any of said rolls.

Applicant recalled:

Q You never made application to be enrolled before this? A I did to that man Tander.

Q When was that? A That's in '94; when they started the court house down here.

Q Whom did you make that application to? A To the Dawes Commission; they started to enroll me before my brothers come; Big Mandy Taylor-- she's dead now; so I had to wait till my brothers come and papa's name was on the roll then-- the whole family. All the boys and girls.

Q Which boys? A Redmond and Ned and Mandy and Jack; he was living then.

The records of the Colbert Commission examined and it does not appear that application was made to said commission by the applicant for citizenship in the Creek Nation.

Records of the Dawes Commission under the act of June 10, 1896 examined and it does not appear that application was made for citizenship in the Creek Nation by the applicant to said commission.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Subscribed and sworn to before me this 22 day of August, 1904.

*Henry G. Hains*  
*H. G. Hains*  
 Notary Public

88/3

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-101-

In the matter of the application for the enrollment of  
Charity Bentley as a Creek Freedman.

-: D E C I S I O N :-

The record in this case shows that on August 12, 1904,  
Charity Bentley appeared before the Commission at Muskogee, Indian  
Territory, and made application for enrollment as a Creek freedman.

The evidence shows that the applicant was about twenty-  
eight years old at the date of the application herein, and that she  
is not the descendant of a person whose name is found on the Dunn  
Roll.

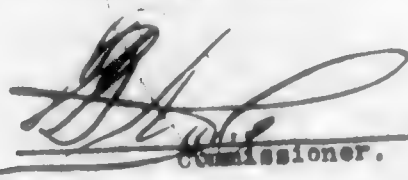
It does not appear that the applicant herein has ever been  
enrolled as a citizen of the Creek Nation, nor does it appear that  
she has ever been admitted to citizenship in said Nation by the  
Creek Tribal authorities, the Commission to the Five Civilized Tribes  
or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there  
is no authority of law for the enrollment of said Charity Bentley as  
a Creek Freedman, and that the application for her enrollment as  
such, should be denied, and is so ordered.

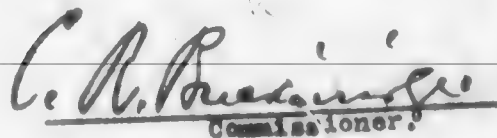
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory.

FEB 2 - 1905



COPY.

Creek An 626

Muskogee, Indian Territory, February 4, 1906.

Charity Bentley.

South Relector, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tamr Biney.

Chairman.

Registrar.  
JYH-4-41.

COPY.

Creek En 626

Muskogee, Indian Territory, February 4, 1906.

E. L. Kott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Charity Bentley as a Creek Freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*James Bixby.*

Chairman.

JYM-4-42.

Creek Ia 626

Muskogee, Indian Territory, February 4, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings in the matter of the application for the enrollment of Charity Bentley as a Creek Freedman, including the decision of the Commission, dated February 2, 1906.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

JY. -4-43.

# 626  
D.C. 8445-1905  
DIRECT I.T.D. 1694-1905  
LRS

(Copy)

C.R.  
LLB

DEPARTMENT OF THE INTERIOR.

WASHINGTON, February 20, 1908.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

For use in the adjudication of the application of Charity Bentley, for her enrollment as a Creek freedman, you are requested to inform the Department as soon as practicable whether the name of Jack Holmes, or Jack Munga, or Sibbie Holmes appears upon the Dunn Roll of 1867 of Creek freedmen now in your possession.

Respectfully,

(signed)

THOS. RYAN,  
Acting Secretary.

OT. No. 522

Muskogee, Indian Territory, February 27, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

In compliance with Departmental request of February 20, 1905 (I.T.D. 1694-1905), you are respectfully advised that it does not appear from the Dunn Roll in the possession of the Commission that the name of either Jack Holmes, Jack Lunge or Bibbie Holmes is found thereon.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

# 626  
I.T.D. 1694, 2626-1905.

CR. LLB. LRS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, August 7, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

February 4, 1905, the Commission to the Five Civilized Tribes transmitted the record of the application of Charity Bentley for her enrollment as a Creek Freedman, including the decision of the Commission dated February 2, 1905, adverse to the applicant.

February 27, 1905, the Commission, upon request of the Department, made a further report relative thereto.

February 15, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission adverse to the applicant be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated February 2, 1905, denying the application of Charity Bentley for her enrollment as a Creek Freedman is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

Refer in reply to the following:  
Land: 11240-1906.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, February 15, 1906.

The Honorable,  
The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, ~~with~~ dated February 4, 1905, transmitting the record of the application, made August 12, 1904, for enrollment as a Creek Freedman by Charity Bentley.

February 2, 1905, the Commission decided adversely to the applicant.

The record shows that no prior application has been made; that the applicant was about twenty eight years old at date of application and that she is not the descendant of a person whose name is found on the Dunn Roll. It does not appear that the applicant has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

M.M.M. W.



No. 626

Muskogee, Indian Territory, August 14, 1905.

Charity Bentley,

South McAlester, Indian Territory.

Dear Madam:

You are hereby notified that on August 7, 1905, the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated February 2, 1905, denying your application for enrollment as a Creek freedman.

Respectfully,

Acting Commissioner.

En. 626

Muskogee, Indian Territory, August 14, 1905.

M. L. Mott,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on August 7, 1905, the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated February 2, 1905, denying the application of Charity Bentley for enrollment as a Creek freedman.

Respectfully,

Acting Commissioner.

CR EN 627

CR EN 627

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 12, 1904.

In the matter of the application for the enrollment of Stephen Noble as a Creek Freedman.

APPEARANCE: W. L. Wott, attorney for Creek Nation.

George Noble being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A George Noble.  
Q How old are you? A Forty-two.  
Q What is your post office address? A Wewoka.  
Q Do you make application for the enrollment of Stephen Noble as a Creek Freedman? A Yes sir.  
Q Are you his father? A Yes sir.  
Q Are you a citizen of the Creek Nation? A Yes sir.

The records of the Commission show that George Noble is listed for enrollment on Creek Freedmen card Field No. 1518 and that his name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 26, 1902, No. 4920.

- Q Is Stephen Noble living? A Yes sir.  
Q What is the name of his mother? A Delia Noble.  
Q Is she a citizen of the Seminole Nation? A Yes sir.

The records of the Commission show that the name of Delia Noble appears on the approved Seminole roll, No. 2004.

- Q When was Stephen Noble born? A I can see in a minute.  
Q Have you a record of it? A Yes sir; I put it down what month it was born; I have got the names down in a book at home; I never could think of it, so I just put it down; 1900; born June.

The applicant presents for the inspection, of the Commission pocket memorandum book in which is found what purports to be a record of the date of the birth of Stephen Noble.

- Q Did you do this writing in this book? A Yes sir.  
Q When did you write it in this book? A I don't remember exactly when; but I done that myself in the book; I don't remember when.  
Q You say you did this yourself? A Yes sir.  
Q Did you do it soon after this child was born? A Yes sir.  
Q In this book? A Yes sir.  
Q Have you got it written down in another? A Yes, down in a Bible but I didn't bring it with me; I just had the day book here.  
Q Did you copy this from the Bible? A Yes sir.  
Q When did you make that entry in the Bible about the date of birth? A Just after he was born.  
Q Does this in this book give the same date that it does in the Bible? A Yes sir.  
Q Have you a child named Leeford? A Yes sir.  
Q When was that child born? A 1902.  
Q What day and month? A I can't tell you, cause I never could keep track; I am short of recollection and the onliest way I can remember a thing is to put it down.

A Both of the children is right there.

Q Is Stephen older than, Leeford? A Yes sir.

Q How much older? A He must be two years older than Leeford.

Q More than two or less than two? A About two years older.

The book which the applicant presents contains the following entries:  
Stephen Noble born June the 15th 1900.  
Leeford Noble born May the 31 1902.

Q Did your wife make an affidavit about the birth of Stephen? A I believe she did.

Q Were you with her when she made it? A Yes sir; I was over there.

Q Are you positive that this date that you have here gives the correct date of the birth of Stephen? A Yes sir.

Q If your wife gives a different date, she is mistaken, is she? A She might be; that's the correct date from the one in the Bible cause ~~he~~ I seed the one in the Bible when the child was born and then I went and got a copy.

Q The affidavit made by your wife states that the child was born on the 19th of June, 1900; and you say the correct date is the 15th of June, 1900? A Yes sir

Examination by Mr. Mott:

Q Have you got another child enrolled? A In the Creek Nation?

Q Yes. A No sir.

Q In any other nation? A My oldest children are all enrolled in the Seminole Nation.

Q Is your wife dead? A No sir, she's living.

Q You are a Creek citizen? A Yes sir.

Q She a Seminole? A Yes sir.

Q Where is she? A She is up there about 4 miles Northwest of Nowaka.

Q How many children have you got? A About 7.

Q Why did you put Leeford Noble down here? A I just wanted to put him down; he is the next one to Stephen.

Q Why did you put only two down here and not the others down? A I didn't thought I would need to put them down; they had filed up there in the Seminole nation.

Q Well, there is not any need to put Leeford down; you knew he couldn't file, didn't you? A Yes sir.

Q When did you put these down here? A I don't know exactly; I wouldn't say because I am not positive when I did write it but I written it in there myself.

Q About what time did you put it down, do you know? A No sir, I don't.

Q Has it been a year ago? A I don't think it was a year, but what date I can't tell you.

Q Was it six months? A That's what I don't know, I keep telling you.

Q Haven't you any idea when you put it down? A No sir.

Q Well, you put it down for the purpose of bringing it here for evidence, didn't you? A Yes sir.

Q And then can't tell whether you put it down 6 months or 12 months ago? A I think it aint 12 months ago; of course I don't know exactly what month I put it down and can't say.

Q Well, to your best judgment? A It can't be much more than 2 months ago since I written that in that book there.

Q You put it down for the purpose of bringing it here as evidence? A Yes sir.

Q Why didn't you bring it then? A Well; I couldn't go off then; it was a good ways and money was hard to get and we come when we could.

Q Why didn't you bring the Bible? A I didn't think that was needed; that was more handy to fetch than the Bible.

Q It is not as good evidence as the Bible. A Well, the Bible could come if, it is needed.

Q You put this down here for the purpose of bringing it here as testimony? A Yes sir.

Q And you don't know why you put Leeferd down? A Well, I put his name cause I didn't know but what I could make application for him too; I just put him down; if I couldn't it would be all right, if not, allright too.

Q When did you file? When did you enroll? A It must have been 1900 when I filed.

Q Did you file before or after Stephen Noble was born? A After, wasn't it? This is 1900.

Q Did you file before or after Stephen was born? A That's what I don't know; I don't know exactly what year I did file in.

By the Commission:

Q Can you remember whether or not that child was at your house when you came down to file? A I don't think he was there then.

The records of the Commission show that George Noble was listed for enrollment May 17, 1901, and that a citizenship certificate was issued to him on that day.

By Mr. Mott:

Q Now, according to that, that child was a year old when you came here? A Yes sir.

Q If this child was born, why didn't you file him when you did yourself and enrolled here? A I don't know anything about whether I could enroll him here in the Creek country until a long time after I was filed.

Q Well, you just said a bit ago that he wasn't living when you came here and filed; what have you to say about that now? A Well, it was just a mistake that's all; I just can't keep my memory right.

Q Where is that boy now? A Its home.

Q Did you have a midwife at the birth of this child? A Yes sir.

Q Have a doctor? A No sir.

Q Where is she now? A Dead.

Q Where is your wife? A She's home.

Q Was there any neighbors there when the child was born? A Yes sir.

Q -- that you can show by? A Yes sir.

Q Who are they? A One of my sisters was there.

Q Any of your neighbors? A Well, she was a neighbor.

Q Well, you have got some neighbors living right close there that knows your wife's condition about the time she was down? A Yes sir.

Q Can you get any of them to come here? A I don't know; I guess so.

Q If you didn't know you could file this child when you filed, why did you wait four or five years after it was born to come? A Well, I just had to pick my chance to come; I was a poor man and got nothing.

Q You are a poor man and your wife has an allotment and your wife has one and you have two or three children that's got allotments. A Well, they aint bringing in anything; they are all leased out; they aint bringing in any money.

Redmond Holmes being duly sworn testified as follows:

Examination by the Commission:

Q Give your name, age and post office address. A Redmond Holmes; 38; Wetumka.

Q You are a citizen of the Creek Nation are you? A Yes sir.

Q Do you know George Noble? A Yes sir.

Q Know his wife, Della? A Yes sir.

Q How far do you live from them? A About 10 miles.

Q Do you know a child of theirs named Stephen? A Yes sir.

Q Do you visit the home of George Noble occasionally? A Yes sir.  
 Q Any kin to him and his wife? A No sir; just pretty near raised up together.  
 Q Do you know how old that child is? A I went up there in 1900 along about the middle of June and this child was born; it was there the 15th or 16th; I was up there and the child was there.  
 Q What is it calls your attention to the exact date you were up there; what did you go up there for? A I went up there to town and stayed with him all night.  
 Q What did you go to town for? A To trade.  
 Q Do you know when George Noble came to file on his land? A No sir.  
 Q Do you know of his coming to file? A Yes sir, I know of his coming.  
 Q Did you hear of it at the time? A Not at the time; I heard of it after he got back home.  
 Q Soon after? A No sir, not so soon.  
 Q Well, in a week or two weeks or a month? A I believe it was 2 or 3 weeks after he got back.  
 Q Was that child living when you heard he had been down here to file?  
 A I don't know whether it was after or before; I wasn't up there at that time that I heard he had come down to file.  
 Q Who told you that? A A man by the name of George Add.  
 Q How long after he was down here to file that you was at his house?  
 A That is just what I don't remember.

Examination by Mr. Mott:

Q What year was it he told you he had come here to file-- this man?  
 A The other man told me.  
 Q His card there shows that he filed in 1901; when did you hear it?  
 A I don't tell exactly what year I heard that but I suppose its been about 1901 sometime; I don't know just what time.  
 Q You don't know whether the child was there then or not? A I don't remember whether it was before or after I went up there and saw the child.  
 Q You don't know whether it was before or after he filed that you saw it? A No sir.  
 Q You say you fix the date as being the 15th or 16th because you went over to town to do some trading? A Yes sir.  
 Q What date in June were you in town trading in June, 1901? A That's what I think it was between the 15th and 16th; the exact date I don't know.  
 Q Well, you said you know it was the 15th or 16th because you went there to town to do some trading. A Yes sir.  
 Q In 1900? A Yes sir.  
 Q Did you do any trading in 1901? A Yes sir.  
 Q What date did you go over there in 1901 to do some trading? A In March.  
 Q What date? A Along about the last of March.  
 Q About the 30th? A Yes sir.  
 Q Did you go there in 1902? A Yes sir.  
 Q What date? A That was in March.  
 Q How many times did you go to town in 1902? A I don't know sir.  
 Q How many times did you go in 1901 to town to trade? A I don't know how many times I went.  
 Q How many times in 1900 did you go? A I don't know; but I went in 1900 the 3rd time I think.  
 Q What dates did you go on the other two times? A I don't know sir.  
 Q Why don't you remember them? A Well, what drew my attention to this 1900 by him and I talking about the age of this child.  
 Q When were you talking about that? A When I was coming.  
 Q Coming up here it is time? A Yes sir.  
 Q You and him talking about it coming up here made you think it was 1900? A Yes sir.



Q Well, it wasn't going to the town to trade that made you think so, then? A Well, it was going to the town; you see I went to the town, traded and went over to his place and stayed with him all night.  
Q Well, he told you coming up here that it was 1900, didn't he? / Yes sir.

Q That's the way he refreshed your memory about it, coming up here? / Told you? Well, I knowed it was 1900.

Q Now, A I know the year I was up there.

Q Well, you're up there every year? A Yes, but I knowed all the time.

Q Well, you have gone there several times every year, don't you? A Yes but I don't go over to his place every time.

Q Well, what date was you at his place in 1900? A I wasn't there.

Q Was you there in 1901? / I don't remember being there in 1901.

Q You say you wasn't? A I don't remember if I have, I have forgot the time.

Q Do you pretend to say that you know four years backwards without having anything to call it to your recollections that you can tell what any where you spent the night? A Nonsense I can.

Q Did you put down any dates about this at that time? A No sir.

Q When did you find that he wanted you to come up here and testify about this matter? A He told me about a month ago.

Q You had not had any occasion to recollect it then from June 1900 until he told you about it a month ago that he wanted you to come up here? A Yes sir, we always talked about the little children and said they both born the same year and we would always talk about the two children near about the same sometime born in 1900 in March.

By the Commissioner:

Q What's your child's name? A Jane Holmes.

Q Have you a child named George? A Yes sir.

Q George is dead, is he? A Yes sir.

Q Was this child of George Noble's born about the same time that your two children, George and Jane, were? A No sir, that Noble was born after mine.

Q How long after? A I guess its three months after.

Q About three months? A I believe.

The records of the Commission show that George and Jane Holmes were born March 11, 1900.

By Mr. Mott:

Q When did you file for Jane? A About a year or two ago.

Q Why didn't this man come and file this child then? / He didn't know till I told him.

Q When did you tell him? A About a year ago.

Q Where were you the 1st of June, 1901? A I don't know sir.

Q Where were you the 1st of June, 1900? A I was at home.

Q On that very day? A Yes sir, I think I was at home, I couldn't be sure.

Q Have you and him talked about filing this boy? What time have you and him had about filing this boy? A I just told him that I didn't know but what maybe he can file for this child if he come down and Paul comes along after I come and filed for mine.

Q Did he tell you that he didn't know he could file? A Yes sir.

Q Told you that about a year ago? A Yes sir.

Q What did he say about it? A That he would suppose down here and see.

Q Why did he say he didn't know he could come and file? A He didn't say.

By the Commissioner:

Your wife is a Gambler or is she like him? A Yes sir.

By Mr. Holt:  
Q. But he did tell you a year ago that he didn't know; he didn't know until you told him? I told him he ought to come down and see.

By the Commission:

The two affidavits heretofore filed are made part of the records.

Henry G. Hains being sworn on his oath states that in stenograph or to the Commission to the Five Civilized Tribes he reported the above case, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 22 day of August, 1904.

Notary Public.

Jr In 527

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 10, 1906

In the matter of the application for the enrollment of Stephen Noble, a Creek Freedman.

George Noble, being duly sworn, testifies as follows:

EXAMINATION BY THE COMMISSIONER:

Q What is your name? A George Noble.  
Q How old are you? A About 40.  
Q What is your postoffice address? A Nowola.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q Have you a child named Stephen Noble? A Yes sir.  
Q Is it living? A Yes sir.  
Q About how old is it? A I don't know exactly how old it is--four or five years old though. I've got him at home.  
Q What is the name of his mother? A Delia.  
Q Is she a Creek? A No sir, Seminole.  
Q Citizen of the Seminole Nation? A Yes sir.  
Q If it should be found that your child, Stephen Noble, is entitled to be enrolled in either the Creek or Seminole Nation, in which Nation do you elect to have him enrolled that he may take his allotment of land? A For it, in the Creek Nation.  
Q You elect for him to be enrolled in the Creek Nation, do you?  
A Yes sir.

The witness is instructed to have his wife go before a notary public and make affidavit to this fact.

Q You have two other children? A Yes sir.  
Q What are their names? A Lee Ford.  
Q And the other? A Rachel.  
Q Are they living? A Yes sir.  
Q How have you lived for these people, 10 years? A Yes sir; I just applied for one.  
Q And you applied for the other two in the Seminole Nation?  
A Yes sir.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commissioner to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Subscribed before me  
this 10th day of November,  
1906.

*J. Y. Miller*  
*J. M. Dermott*  
Notary Public

AFFIDAVIT OF DISINTERESTED WITNESSES:

United States of America,  
Indian Territory,  
Western District.

we, the undersigned, on oath state that we are personally acquainted with Delia Noble, wife of George Noble, and that there was born to her on or about the 15 day of June, 1900, a male child; that said child was living March 4, 1900, and is said to have been named Stephen Noble; we further state that we have no interest in this case.

Mary Anderson  
Bessie Abilgize Noble  
more

(2) witnesses to mark:

A. J. Shaw  
P. J. Canton

subscribed and sworn to before me this 16th day of December,  
1900.

Dusky St. Lawrence  
Notary Public.

WICHITA, I. T., March 21 1903

United States of America,  
Western District  
Indian Territory

ss.

Personally appeared before me George Noble who is to me known and who upon being duly sworn depose as follows. I am 39 years old a citizen by adoption of the Creek Nation. That I am the Lawful Husband of Delia Noble who is a citizen by adoption of the Seminole Nation and that she was born to us a male child on the 19<sup>th</sup> day of June 1910. and has been named Stephen and is now living. Mrs Maria Noble attend my wife and has since died on April 1912.

George Noble

Subscribed and Sworn to before me this 21<sup>st</sup> day of March 1903.

J. Johnson  
Notary Public

My Commission Expires  
July 8<sup>th</sup> 1906

011, 11 1111

Affidavit,

United States of America,  
Indian Territory,  
Western District,

Della Noble being duly sworn upon oath says,

That she is the mother of Stephen Noble, a minor who was born July, 1901,  
and that she desires to make his selection for his allotment in the  
Creek (or Muskogee) Nation Indian Territory, & therefore desires that  
my minor child Stephen Noble be enrolled as a Creek Freedman.

..... Della Noble .....

Subscribed and sworn to before me this 2nd day of December, 1900.

..... Geo. C. Davis .....  
Notary Public.

My Com. ex. 2/3 ..... 1902



Ex 627

IN NH

Application for Enrollment of  
INFANT CHILD

Stephen J. Noble

an a citizen of

Mass.

MASS.  
NATHAN

Approved

1901

Commissioner.

DEC 19 1903

# DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,  
of Stephen Noble, born on the 18<sup>th</sup> day of June, 1905  
(Give exact name of child.)  
Name of Father: George Noble a citizen of the Creek Nation.  
Name of Mother: Delia Noble a citizen of the Seminole Nation.

Postoffice Wewaka Ind Terry

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western Judicial District.

I, Delia Noble, on oath state that I am 115  
years of age and a citizen by adoption of the Seminole Nation;  
that I am the lawful wife of George Noble, who is a citizen, by  
adoption of the Creek Nation; that a male child was  
(Male or Female.)  
born to me on the 18<sup>th</sup> day of June, 1905; that said child has been named  
Stephen Noble, and is now living.

WITNESSES TO MARK:

(Witnesses) {

Subscribed and sworn to before me this 16<sup>th</sup> day of December, 1905.

Dudley S. Shawnee  
Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
District.

I, \_\_\_\_\_, on oath state that I  
attended on Mrs. \_\_\_\_\_, wife of \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 1905; that there was born to her on said date a  
(Male or Female.)  
child; that said child is now living and is said to have been named \_\_\_\_\_.

WITNESSES TO MARK:

(Witnesses) {

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1905.

Notary Public.

123

IN RE

Application for Enrollment of  
INFANT CHILD

Stephen Noble

as a citizen of

O. C. C. C.

Nation.

Approved:

190

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FT. L. N. V.

March 24, 1903

*[Signature]*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

LYNN Application for Enrollment, as a citizen of the Creek Nation,  
of Stephen Noble, born on the 19<sup>th</sup> day of June, 1900.  
(Here insert name of child)  
Name of Father: George Noble, a citizen of the Creek Nation,  
Name of Mother: Delia Noble, a citizen of the Seminole Nation,  
Post-office, Wewaka Indian

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,

Western District.

I, Delia Noble, do hereby state that I am 38  
years of age and a citizen, by Adoption, of the Seminole Nation;  
that I am the lawful wife of George Noble, who is a citizen, by  
Adoption, of the Creek Nation, that a male child was  
(male or female)  
born to me on the 19<sup>th</sup> day of June, 1900, that said child has been  
named Stephen Noble, and is now living.

WITNESSES TO MARK

(Must be two)  
Witnesses

Delia Noble

Subscribed and sworn to before me this

21<sup>st</sup> day of

March

1900.

Johnson

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,

District.

I, Midwife, do hereby state that I  
attended on Mrs. Delia Noble  
on the 19<sup>th</sup> day of June, 1900, that said child was born to her on  
said date a male child, that said child is now living and said child to have been  
named Stephen Noble.

WITNESSES TO MARK

(Must be two)  
Witnesses

Johnson

Subscribed and sworn to before me this

day of

1900.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
of Stephen Noble as a Creek freedman.

DECISION.

The record in this case shows that on August 12, 1904, George Noble appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of his minor child, Stephen Noble, as a Creek freedman. Further proceedings were had November 16, 1905.

The evidence shows that said Stephen Noble was born June 15, 1900 and was living at the date of the last proceedings herein.

The evidence further shows that said Stephen Noble is the minor child of George Noble, whose name is contained in the partial list of Creek freedmen approved by the Secretary of the Interior March 28, 1902 opposite roll number 4920, and of Delia Noble, whose name appears on approved Seminole roll at number 2004, and that the parents of said Stephen Noble have elected for him to be enrolled as a Creek freedman.

It is, therefore, ordered and adjudged that said Stephen Noble is entitled to be enrolled as a Creek freedman in accordance with the provisions of the acts of Congress of March 1, 1901 (31 Stats., 241) and June 30, 1902 (32 Stats., 200) and the application for his enrollment as such is accordingly granted.

  
Commissioner.

Muskogee, Indian Territory,

88/63  
No. 627

Muskogee, Indian Territory, December 7, 1904

R. R. Holmes,  
Wetumka, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of November 27, asking to be advised when George Noble can file for his son, Stephen Noble. It is stated that the request is at the instance of said George Noble.

In reply you are advised that the matter of the application for the enrollment of Stephen Noble has not been determined. When the case is disposed of, the parties in interest will be duly notified.

Respectfully,

Chairman.

Sen. REP-9.  
Creek. En. 627.

Muskogee, Indian Territory, January 8, 1908.

Chief Clerk of Seminole Enrollment Division,  
Muskogee, INDIAN TERRITORY.

Dear Sir:

#  
Receipt is acknowledged of your letter of December 29,  
1905, in which you ask to be advised as to the status of the appli-  
cation for the enrollment of Stephen Noble, son of George Noble, a  
Creek citizen, and Dilia Noble, a Seminole Freedman, as a citizen of  
the Creek Nation.

In reply you are advised that a decision, enrolling said  
Stephen Noble as a citizen of the Creek Nation, is now before the  
Commissioner for his approval and signature.

Respectfully,

Commissioner:



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**NOTE IN REPLY TO THE FOLLOWING:**

Sgt.

**Sgt. Fred:**

**KD-9,**

Commission to the Five Civilized Tribes,  
Creek Enrollment Division.

On May 10, 1905 there were filed with this Commission applications for the enrollment of Stephen Noble, born June 15, 1900, Leford Noble, born May 31, 1902, and Rachael Noble, born January 9, 1905, as Seminole freedmen. It is stated in said applications that the father of said children is George Noble, a citizen by adoption of the Creek Nation, and that their mother is Delia Noble, a Seminole freedmen.

You are requested to advise the Seminole Enrollment Division as to whether any application has been made to the Commission for the enrollment of said children as citizens of the Creek Nation and if so what disposition, if any, has been made of such application.

Respectfully,

Chairman.

✓ En. 627

Muskogee, Indian Territory, July 11, 1905.

Seminole Enrollment Division,  
General Office.

Gentlemen:

Receipt is acknowledged of your communication of June 29, 1905 (Sem.Tr.XB.9), in which you ask if application for enrollment as citizens of the Creek Nation has been made for Stephen, Leford and Rachel Noble, children of George Noble, a citizen of the Creek Nation, and Delia Noble, a Seminole Freedman.

In reply you are advised that on August 12, 1904, George Noble appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of said Stephen Noble, as a Creek Freedman; that said George Noble has this day been notified to appear at the office of the Commissioner to the Five Civilized Tribes within twenty days from date for the purpose of electing in which Nation he desires said child to be enrolled and to receive his allotment of land. When final action is had in the matter you will be duly notified.

You are further advised that the records of this office have been examined and it does not appear that application has been made for the enrollment of Leford and Rachel Noble, or either of them as citizens of the Creek Nation.

Respectfully,

Commissioner

En. 687.

Muskogee, Indian Territory, July 11, 1906.

George Noble,

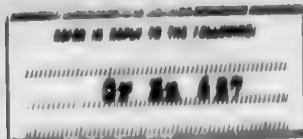
Waweka, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of your minor child, Stephen Noble, as a Creek Freedman, you are hereby notified that it will be necessary for you to appear at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, within twenty days from date for the purpose of electing in which Nation you desire said child to be enrolled.

Respectfully,

Commissioner.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Washoe, Indian Territory, November 22, 1908.

George Noble,  
Newoka, Indian Territory.

Dear Sir:

At the conclusion of your testimony of November 16, 1908, in the matter of the application for the enrollment of your minor child, Stephen Noble, as a Creek Freedman, you were advised that this Office desired the affidavit of Della Noble, the mother of said Stephen Noble, electing in which Nation, Creek or Seminole, she desired to have said child enrolled and receive his allotment of land.

You are hereby notified to send the affidavit of said mother to this Office within fifteen days from date.

Respectfully,

W. O. Beall.

Acting Commissioner.

La 627

Muskogee, Indian Territory, December 8, 1905.

Dollie Noble,

Care of George Noble,

Wewoka, Indian Territory.

Dear Madam:

Receipt is acknowledged of your affidavit in the matter of the application for the enrollment of your minor child, Stephen Noble, an Creek freedman, stating that said child be enrolled and allotted in the Creek Nation. You state in said affidavit that said Stephen Noble was born in the month of July, 1901. It appears from an affidavit heretofore filed by you and from the testimony of your husband, George Noble in said case, that said Stephen Noble was born during the month of June, 1900.

In order that this discrepancy may be corrected, there is herewith enclosed a blank form of birth affidavit, which you are requested to execute and return to this Office at an early date. It will also be necessary for you to furnish this Office with the affidavit of two disinterested witnesses relative to the date of the birth of said Stephen Noble, and blank for that purpose is herewith enclosed.

Respectfully,

L B A  
Dir

Acting Commissioner

**00000000**

Muskogee, Indian Territory, December 29, 1908.

On May 10, 1908, application was made to the Commission to the Five Civilized Tribes for the enrollment as a Seminole freedman under the act of Congress of March 3, 1906, of Stephen Noble, son of George Noble, a Creek citizen, and Milla Noble, a Seminole freedman.

It appears from the record in this case that application was also made for the enrollment of this child as a citizen of the Creek Nation, and you are requested to advise the Seminole Enrollment Division the status of his application for enrollment as a citizen of the Creek Nation; if he has been enrolled, his roll number and the date of his approval by the Secretary of the Interior.

Respectfully,

Continuando.

Or En 627

Muskogee, Indian Territory, January 13, 1906.

M. L. Mott,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of Stephen Noble as a Creek Freedman.

You are hereby advised that the Creek Nation will be allowed fifteen days from date hereof within which to protest against the enrollment of said Stephen Noble, and if, at the expiration of said time, no protest has been filed, said person will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Commissioner.

JYK-13-14



Gr. No. 887.

Muskogee, Indian Territory, June 26, 1904.

George Noble,

Wewoka, Indian Territory.

Dear Sir:

You are hereby advised that the name of your minor child, Stephen Noble, is contained in the partial list of Freedmen of the Creek Nation, approved by the Secretary of the Interior June 16, 1904, and that a selection of land in the Creek Nation may now be made for him at the Creek Land Office in Muskogee, Indian Territory.

This matter should receive your prompt attention.

Respectfully,

Commissioner

CR EN 625

CR EN 628

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 16, 1904.

In the matter of the application for the enrollment of Dave, Hannah, Linda, Levonia, Spire, Sam, Roxie and Mandy Hawkins as Creek Freedmen.

Cheesie McIntosh, Attorney for applicants.

Dave Hawkins being duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Dave Hawkins.  
Q How old are you? A I can't tell you exactly; I am about 58 or 59.  
Q What is your post office address? A Ridge.  
Q Do you make application for enrollment as a Creek Freedman? A Yes sir.  
Q You have some children for whom you wish to apply? A Yes sir.  
Q You have a child named Hannah? A Yes sir.  
Q How old is she? A Sixteen I think.  
Q Have one named Linda? A Yes sir; she's about 14.  
Q Levonia? A Yes sir.  
Q How old is she? A About 12.  
Q Have you one name Spire? A Yes sir.  
Q How old is he? A About 10.  
Q One named Sam? A Yes; Sam is about 8 years old.  
Q One named Roxy? A Yes sir.  
Q How old is she? A About 4.  
Q One named Mandy? A Yes sir.  
Q How old is Mandy? A About 2 or 3 years old.  
Q When was she born? A I can't tell exactly the year and month.  
Q Is she as much as three years old? A Oh, yes sir.  
Q Are these children all alive and living with you? A Yes sir, they are all alive.  
Q Where do you live? A I rented a place from my uncle.  
Q Do you live in the Creek Nation? A Yes sir.  
Q How long have you lived in the Creek Nation? A I just moved out about a month.  
Q Where did you come from? A Texas.  
Q How long did you live in Texas? A I can't tell exactly; I have been passing backwards and forwards.  
Q But where has your home been? Did you have a home in the Creek Nation except this time within the last month? A Well, me and my mother settled a little home and me and my brother lived on it about 7 or 8 years.  
Q When was that? A I think that was about '60  
Q Were you taken out of here during the war? A Yes sir; before the war.  
Q Were you a slave? A Yes sir.  
Q To whom did you belong when the slaves were freed? Who was your owner at that time? A Mrs. Hawkins.  
Q Was she your owner at the time the slaves were freed? A Yes sir.  
Q Where did she live? A She lived out here but we was carried out on my sister's place; my sister's name was Mrs. Haggerty.  
Q Mrs. Hawkins was your owner when the slaves were freed? A Yes sir.  
Q Where were you when the slaves were freed? A Right on Mrs. Haggerty's place.  
Q Where was that, in Texas? A Yes sir.

Q When did you come back to the Creek Nation the first time after the war? A It must have been about the year '60 when I come back the first time.

Q Well, the war closed in '65; how long after the war was it when you came back? A It was about the third year after the war when we drove these cattle out there for Mrs. Haggerty.

Q You drove cattle from Texas here? A Yes sir.

Q How long did you stay here then? A I herded cattle for her about 7 months and then went back after my mother and Jacob and Sim and they come and settled a little place I think at Cane Creek.

Q Did you live there with them? A I never lived with them; I didn't come back until about 7 years.

Q When were you married, during the war or after? A After.

Q How long after? A Well, I had not been married more than a year before I drove them cattle out here.

Q You were married before you drove the cattle out here? A Yes, just about a year.

Q Was your wife a state woman? A Yes sir.

Q You make no claim that she had any rights in the Creek Nation? A No sir.

Q Have you ever had your family in the Creek Nation before up to a month ago? A Not all of them; had some of the children by my first wife.

Q Did you ever have a home in the Creek Nation from the close of the war up to a month ago? A Well, you know when I moved my mother I just settled a home.

Q How long did you stay there? A About a month.

Q Was you a grown man then? A Yes sir.

Q And that was how long after the war? A It wasn't long after the war.

Q I understood you to say in your testimony that it was about the 3rd year after the war? A Its about the 3rd years before I married, and I had been married about a year.

Q Now I understand you to say that you and your wife married about the 3rd year after the war? A Yes sir.

Q And then you drove the cattle out here the next year? A Yes sir.

Q Now, did you settle a home for your mother before you drove the cattle out here or after? A After.

Q What is the name of the mother of these children you have applied for? A Some of them the mother's dead-some of these minor children, yes sir, from Levenia up.

Q Well, now, beginning with Hannah, name those that have the same mother; have Hannah and Linda the same mother? A Yes sir.

Q What is the name of the mother of Hannah and Linda? A Her name was Melinda.

Q Do you make any claim that the mother of these two children was a citizen of the Creek Nation? A No sir.

Q State woman, was she? A Yes sir.

Q What is the name of the mother of the other children? A Delia.

Q Do you make any claim that she is entitled to any rights in the Creek Nation? A No sir.

Q She is a state woman too? A Yes sir.

Q Did you ever draw any money from the Creek Nation? A No sir.

Q Do you know whether any money was ever drawn for you in the Creek Nation or not? A I don't know; I authorized my uncle to draw it and he said he didn't draw it.

Q To wh at town in the Creek Nation do you claim to belong? A I don't understand that part of it; I reckon Arkansas as far as I know.

Q Were you ever known by any other name except Dave or David Hawkins? A No sir.

Q Never was called by any other name? A No sir.

Was any money ever drawn in the Creek Nation for any of your children? A No sir, not that I know of.

Examination by Mr. McIntosh:

Q Say, Dave, you told him a while ago that you and your wife were married about three years after the war-- do you mean after the war commenced? A No sir.

Q After the war closed? A Yes sir.

Q Then, how long did you say it was before you drove those cattle out here to the Creek Nation? A About one year.

Q Then you said a while ago about the name Dave and David? A Yes sir.

Q Is it true that you have never been called or known by the name of Davis? A Well, you know good many called me Davis; it didn't make any difference; some of my kin folks call me Davis.

Q About how long ago has it been since you came to the Indian Territory the last time before you came this time? A About 15 years.

Q How long did you stay in the Indian Territory, in the Creek Nation at that time rather? A About a month; I helped my mother to gather corn and hay and stuff.

Q Was your mother living here at that time? A Yes sir.

Q Was it at your mother's place that you lived at that time? And helped to gather corn some other place? A I lived out here at her place but hope to gather corn on my uncle's place.

William McIntosh being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A William McIntosh.

Q How old are you? A I am about 67.

Q What is your post office address? A Ridge.

Q Do you know David Hawkins? A I ought to know him I raised him.

Q How long have you known him? A I have known him-- I think he is about 59 years old, and I have known him from his birth.

Q Where was he born? A Right between the two rivers.

Q Was he taken to Texas before the war? A Yes sir.

Q Whom did he belong to? A Boney Hawkins.

Q Was he a Creek citizen? A Yes sir.

Q Did he belong to Boney or Boley Hawkins while he was in Texas?

A He stopped with his aunt, Mrs. Waggerty; I don't know what kind of arrangement they made.

Q Was he in the Creek Nation during the war? A No sir.

Q Did he come back here after the war? A Yes sir.

Q How long after? A He came here during the Fall of '66.

Q If he says he came back here three or four years after the war, he is mistaken, is he? A Yes sir; he came back to help them drive cattle in the Fall of '66.

Q Well, he says that was 3 or 4 years after the war. A He is mistaken about that; I know.

Q Do you know whether his name is on the Creek rolls or not? A Yes sir.

Q Do you know it is? A Yes sir.

Q When was it put on there? A Somewhere along about in the year 1878 or 1890.

Q How did he get it put on? A Well, we had to go before the council and prove up his rights to the country before we could get it put on the roll.

Q Was you a member of the council at that time? A Yes sir.

Q What was the name of his mother? A Silvie.

Q Did she have any other children? A Yes sir.

Q What were their names? A There's Sim, Jacob, Dave.

Q Is that all the children she had? A That's all the children; but you will find them in different places there cause they never took two at one time; there's Neger McIntosh's wife in some other place; they was all put on different times.

Q Which was admitted first, Silvie or David? A Silvie.

A list of persons found in the 1895 law book of the Creek Nation to whom citizenship was granted by the Creek Council, examined beginning at page 102 and ending at page 104, and it appears that Mauchar Hardage, Mike McIntosh, Sims Hawkins, Ragar Hawkins, Minnie Hawkins, Silvia Hawkins and Jack Hawkins were granted citizenship October 23, 1885; the name of David Hawkins is not found in the list as it appears in said law book.

The 1890 authenticated tribal rolls of the Creek Nation examined and Silvia Hawkins, Sims Hawkins and Jacob Hawkins identified thereon. David Hawkins not identified on the roll, nor is he identified on the 1891 omitted roll of said nation. The 1895 payroll of the Creek Nation examined and Silvia Hawkins, Sims Hawkins and Jacob Hawkins identified thereon in Arkansas town. David Hawkins not identified on said roll nor is he identified on the 1895 omitted roll of said nation.

Q Was David Hawkins ever called by any other name? A We had an Indian name for him.

Q What was it? A I don't remember it.

By Mr. McIntosh:

Q Did you ever call him Dave Hagerty? A Yes sir; I think they called him Harrell or something.

By the Commission:

Q Do you know Jane Stinson? A Jane?

Q Well, do you know the Stinson family? A Yes sir.

Q Do you know Mose? A Yes sir.

Q Where is he? A I don't know where Mose is now.

Q Was he any kin to this man, Dave Hawkins? A Not as I know of- I know the person but don't know whether he kin or not; I know them by the family they belong to; these Stinson's are from the McIntoshes.

Q They didn't belong to the same people? A No sir; Rachel Stinson was McIntosh' sister.

The Dunn roll examined and the principal applicant not identified ~~therein~~ name of the children for whom application is here made are identified on any of the rolls of the Creek Nation in the possession of the Commission.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 23<sup>rd</sup> day of August, 1904.

H. C. Martin Jr.  
Notary Public.

J. H. C.  
No. 628.  
E. G. S.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:0:-

In the matter of the application for the enrollment of Dave Hawkins, and his minor children, Hannah, Linda, Levenia, Spire, Sam, Rexie, and Mandy Hawkins, as Creek Freedmen.

-: D E C I S I O N :-

The record in this case shows that on August 16, 1904, Dave Hawkins appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his minor children, Hannah, Linda, Levenia, Spire, Sam, Rexie, and Mandy Hawkins, as Creek Freedmen. The evidence shows that the principal applicant is not identified on the Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867, and that his said children are not the descendants of a person whose name is found on said Roll.

It does not appear that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor does it appear that they, or any of them, have ever been admitted to citizenship in said Nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Dave Hawkins, Hannah Hawkins, Linda Hawkins, Levenia Hawkins, Spire Hawkins, Sam Hawkins, Rexie Hawkins, and Mandy Hawkins, as Creek Freedmen, and that the application for their enrollment as such, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Dave,  
Hannah, Linda, Lavenia, Spire, Sam, Roxie and Mandy Hawkins as  
Creek Freedmen.

MOTION TO REOPEN/

Come now the applicants herein and move that the above entitled cause be reopened for the following reasons to-wit:

First: Because all the applicants brothers and sisters and  
and mother of the principal applicant are enrolled as Creek citizens  
and because the principal applicant, Dave Hawkins complied with the  
treaty of 1866 and is entitled to enrollment.

Second: Because the testimony fails to show clearly that  
the principal applicant did so comply with the treaty of 1866.

WHEREFORE applicants pray that the above entitled cause be  
reopened and that they be permitted to show the facts as above  
stated.

---

Attorney for Applicants.

Service of a copy of the foregoing motion accepted this \_\_\_\_\_  
day of June, 1906.

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Attorney for Creek Nation.

✓✓✓  
Creek En 629

Euakegee, Indian Territory, January 16, 1905.

Dave Hawkins.

Ridge, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, Hannah, Linda, Levonia, Spire, Sam, Rexie and Mandy Hawkins, as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

JYM-16-48.

Creek No 428

Wheokgoe, Indian Territory, January 18, 1908.

Cheese McIntosh,

Attorney for Dave Hawkins,

Checotah, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Dave Hawkins, et al., as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYM-16-49.

Creek No. 529

Muskogee, Indian Territory, January 16, 1906.

Mr. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Dave Hawkins, et al., as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYM-14-50.

Creek No. 325

Waskogee, Indian Territory, January 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Daya Hawkins, et al., as Creek Freedmen, including the decision of the Commission, dated January 5, 1905.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

JYM-16-51.

DEPARTMENT OF THE INTERIOR,

W C F

Washington.

I.T.D. 810 -1905  
LRS

April 10, 1905

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

January 16, 1905, you transmitted the record in the matter of the application for the enrollment of Dave Hawkins and his minor children ,Hannah, Linda, Levonia, Spire, Sam, Roxie and Mandy Hawkins, as Creek Freedmen, including your decision of January 5, 1905, which was adverse to the applicants.

Reporting January 24, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos RYAN

Acting Secretary

1 inclosure.



Refer in reply to the following:

Land  
4949-1905

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, January 24, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 16, 1905, transmitting the record of the application, made August 16, 1904, for the enrollment as Creek Freedmen by Dave Hawkins for himself and his minor children, Hannah, Linda, Levonia, Spiro, Sam, Roxie and Mandy Hawkins.

January 5, 1905, the Commission decided adversely to the applicants.

The record shows that the principal applicant is not identified on the Dunn roll, and that his children are not the descendants of a person whose name is found on that roll; that no prior application has been made, nor have any of them been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C F Larrabee

Acting Commissioner

M.M.N.(W)



CONTENDING:  
TAMM HAWKINS,  
THOMAS R. HEDGECOCK,  
C. A. HEDGECOCK.  
—  
W. G. HALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

D. S.

ORDER TO SHOW TO THE SECRETARY
Or. No. 520.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 21, 1906.

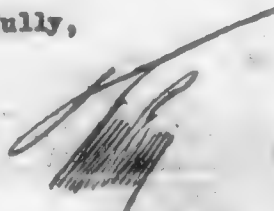
Dear Hawkins,

Ridge, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of April 10, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 8, 1906, denying the application for the enrollment of yourself and your minor children, Hannah, Linda, Levonia, Spire, Sam, Roxie and Mandy Hawkins, as Creek Freedmen.

Respectfully,

  
Chairman.

*D. L.*  
Cr. En. 625.

Muskogee, Indian Territory, April 21, 1905.

Cheessie McIntosh,

Chesotah, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of April 10, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, denying the application for the enrollment of Dave Hawkins and his minor children, Hannah, Linda, Levenia, Spire, Sam, Roxie and Mandy Hawkins, as Creek Freedmen.

Respectfully,

Chairman.

O.D.  
Cr. En. 626.

Muskogee, Indian Territory, April 21, 1906.

M. L. Mott,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of April 10, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, denying the application for the enrollment of Dave Hawkins and his minor children, Hannah, Linda, Levonla, Spire, Sam, Roxie and Mandy Hawkins, as Creek Freedmen.

Respectfully,

Chairman.

Or. In. 622.

Muskogee, Indian Territory, July 21, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of April 10, 1905, (I.T.D. 610-1905), affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, denying the application for the enrollment of Dave Hawkins, et al., as Creek freedmen.

There is inclosed herewith motion to reopen said case filed with this office June 25, 1906.

The statements set forth in said motion as grounds for reopening are that,-

"First: Because all the applicants brothers and sisters and mother of the principal applicant are enrolled as Creek citizens and because the principal applicant, Dave Hawkins, complied with the treaty of 1866 and is entitled to enrollment.  
Second: Because the testimony fails to show clearly that the principal applicant did so comply with the treaty of 1866."

The act of Congress approved April 26, 1906,  
provides in part as follows:

"That the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J. W. Dunn, under authority of the United States prior to March fourteenth, eighteen hundred and sixty seven, and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of said roll, and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior."

The Assistant Attorney General for the Department in an approved opinion dated May 31, 1906, in the matter of the application of Prissie Carruthers for enrollment as a Creek freedman (a case analogous to that of Dave Hawkins, et al.), referring to the above provision of law, states: "Congress has now made the Dunn roll final and conclusive as to all applicants of this class, whose enrollment has not been approved by the Secretary of the Interior."

I am of the opinion that the statements set forth in said motion as grounds for reopening are not material in the case; that under the provisions of law above quoted said applicants are not entitled to be enrolled as Creek freedmen and respectfully recommend that the motion to reopen said case be denied.

Respectfully,

Through the  
Commissioner of Indian Affairs

  
Commissioner.

Refer in reply to the following:  
Land: 37933-1905  
64382-1906.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, August 28, 1906.

The Honorable,  
The Secretary of the Interior.

Sir:

Referring to departmental letter of April 10, 1905, (I.T.D. 810-1905), affirming the decision of the Commission to the Five Civilized Tribes denying the application for the enrollment of Dave Hawkins, et al., as Creek Freedmen, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes enclosing a motion to reopen this case, signed by E. Hastain, attorney for the applicant, and in which the Commissioner recommends that the motion to reopen be denied.

The record in the case is transmitted herewith.

Very respectfully,

F.E. Leupp,  
Commissioner.

EWE-LC

I.T.D. 810-1906.  
15406-1906.

GR.LLB.LRS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, September 5, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

July 21, 1906, you transmitted a motion for a reopening of the application of Dave Hawkins et al. for enrollment as Creek freedmen, denied by the Department April 10, 1905 (I.T.D.810).

The principal applicant, Dave Hawkins, from whom the other applicants claim descent, was born about 1847, in the Creek Nation, from which as a slave of a Mrs. Hawkins, a Creek citizen, he was taken to Texas to the home of his sister, a Mrs. Haggerty.

As stated in the second ground of the motion to reopen, "The testimony fails to show clearly that the principal applicant did so comply with the treaty of 1866."

Dave Hawkins claims he is equally entitled to enrollment as a Creek citizen as are his mother, Silvia Hawkins, and his brother, <sup>Sims Hawkins</sup> whose names appear upon page 102 of Creek Law Book of 1893, as adopted citizens of the Creek Nation, whereon his name does not appear, nor does his name appear ~~x~~ upon ~~any~~ the approved roll of Creek freedmen prepared by J.W.Dunn under authority of the United States prior to March 14, 1867, although he was born in the Creek Nation about 1847 and prior to the making of said roll. He is not a descendant born since said Dunn roll was made to a person whose name appears upon said roll, nor does he bring himself within any of the requirements of section 3 of the act of Congress approved April 26, 1906 (Public No.129), which provides:



"That the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J.W. Dunn, under authority of the United States prior to March fourteenth eighteen hundred and sixty-seven, and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of said roll, and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior."

The Department held in the approved opinion of the Assistant Attorney-General for this Department dated May 31, 1906, in the matter of the application of Prissie Carruthers for enrollment as a freedman citizen of the Creek Nation, that "Congress has now made the Dunn ~~roll~~, roll final and conclusive as to all claimants of this class whose enrollment has not been approved by the Secretary of the Interior."

The above-quoted provision is conclusive of the case, and the applicant having not met any of the requirements of said provision said motion for a reopening is hereby denied, and the Department adheres to its decision of April 10, 1905 (I.T.D.810), denying the application of Dave Hawkins, et al., for enrollment as Creek freedmen.

You will so notify E.Hastain, Esq., attorney for moving party herein.

Respectfully,

Jesse E. Wilson,  
Assistant Secretary.

Muskogee, Indian Territory, September 25, 1906.

Cheesie McIntosh,

Checotah, Indian Territory.

Dear Sir:

You are hereby advised that under date of September 5, 1906, the Department denied the motion for reopening filed with this office June 25, 1906, in the matter of the application for the enrollment of Dave Hawkins and his minor children, Hannah, Linda, Levenia, Spire, Sam, Roxie and Mandy Hawkins, as Creek freedmen.

Respectfully,

Commissioner.

Muskogee, Indian Territory, September 25, 1906.

N. Kasten,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of September 5, 1906, the Department denied the motion for reopening filed with this office June 25, 1906, in the matter of the application for the enrollment of Dave Hawkins and his minor children, Hannah, Linda, Levenia, Spire, Sam, Rexie and Wandy Hawkins, as Creek freedmen.

Respectfully,

Commissioner.

Muskogee, Indian Territory, September 25, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of September 5, 1906, the Department denied the motion for reopening filed with this office June 25, 1906, in the matter of the application for the enrollment of Dave Hawkins and his minor children, Hannah, Linda, Levenia, Spire, Sam, Roxie and Mandy Hawkins, as Creek freedmen.

Respectfully,

Commissioner.

COPIES IN REPLY TO THE FOLLOWING:

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DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 25, 1906.

Dave Hawkins,  
Ridge, Indian Territory.

Dear Sir:

You are hereby advised that under date of September 5, 1906, the Department denied the motion for reopening filed with this office June 25, 1906, in the matter of the application for the enrollment of yourself and your minor children, Hannah, Linda, Levenia, Spire, Sam, Roxie and Mandy Hawkins, as Creek freedmen.

Respectfully,



Commissioner.

CR EN 629

CR EN 629

U. S. C. 674.

I believe finding in  
decision as herein proposed  
correct. ~~Some of the people~~  
~~who have been and this point~~  
~~of in the decision under~~  
~~the names "John" and~~  
~~Sam", while the testimony~~  
~~shows their names to be~~  
~~John" and "Sam".~~ I  
think decision should  
state in express terms  
that neither the children  
nor grand children of Thomas  
Higginbottom claim or  
possess any rights to  
Oscar's freedman citizen-  
ship other than as his  
descendants. I think  
form of judgment should be  
changed to conform to the  
form used in Osceola  
Citizenship Cases.

11/11/11.

U. S. C. 674.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 15, 1904.

In the matter of the application for the enrollment of Thomas, Lizzie, India, Jake, Aleck, Beatrice and Willie Higginbottom, Seldon Harris and Pearly Harris, as Creek Freedmen.

APPEARANCES: M. L. Mott, Attorney for Creek Nation.  
Benjamin Martin, Jr., attorney for applicants.

Thomas Higginbottom being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Thomas Higginbottom.  
Q How old are you? A I am going on 49 years old.  
Q What is your post office address? A Inola.  
Q Do you make application for enrollment as a Creek Freedman? A Yes sir.  
Q You also want to apply for some children? A Yes sir, I have some minor children too.  
Q You have a child named Lizzie you want to apply for? A Yes sir.  
Q How old is she? A 22.  
Q Lizzie Higginbottom? A Yes sir.  
Q Next? A India.  
Q How old? A Going on 18.  
Q Then you have one named Jake? A Yes sir.  
Q How old is he? A Going on 15.  
Q You have one named Aleck? A Yes sir.  
Q How old? A Going on 9 years.  
Q Then you have one named Beatrice? A Yes sir.  
Q How old? A Going on 7 years old.  
Q Are these children all alive and living with you? A Yes sir, all living right with me.  
Q You have a grandchild named Pearly Harris? You want to make application for? A Yes sir; about 7 years old.  
Q And one named Seldon Harris? A Yes sir.  
Q How old is he? A Going on 5 years old.  
Q Then you have a child named Willie Higginbottom? A Yes sir, that's my grandson; his father is dead; I just named him Willie Higginbottom because his father is dead.  
Q How old is he? A He is about 13 years old.  
Q Are these grandchildren of yours that you have named alive and living with you? A Yes sir, living right with me.  
Q What is the name of the father of Pearly and Seldon Harris? A Seldon Harris' father is named Sen Harris; both of them grandchildren' name is the same-- his name is Clark Harris.  
Q Where does he live? A He went back to Ft. Smith to do some work there.  
Q How long has he been there? A Since my daughter died.  
Q When did she die? A This last March a year ago.  
Q Has he turned these children over to you? A Yes sir, she give them to me.  
Q Has he? A Yes sir, he give all of them to me.  
Q Is the father of these two Harris children a statesman? A Yes sir.  
Q You don't claim he has any rights in the Creek Nation? A No sir, not a bit.

Q What is the name of these childrens' mother? A Annie.  
 Q Is that your daughter? A Yes sir.  
 Q Is she living or dead? A Dead.  
 Q How long has she been dead? A This last March a year ago.  
 Q What is the name of the father of Willie Higginbottom? A Tim Park.  
 Q Is Tim Park living or dead? A I learn he is dead.  
 Q Was he a state man? A Yes sir.  
 Q You don't claim he had rights in the Creek Nation? A No sir, not a bit.  
 Q What is the name of the mother of Willie? A Annie Higginbottom; that's my oldest daughter.  
 Q I thought your said the mother of Pearly and Seldon was Annie? A Yes sir, she is too.  
 Q If they have any rights in the Creek Nation, then, it comes through their mother? A Yes sir, *through mother*.  
 Q What is the name of these children of yours that you have named here? A Biddy, we call her; her name is Mary Higginbottom.  
 Q Is she living or dead? A She is living up yonder.  
 Q Do you claim she has any rights in the Creek Nation? A No sir.  
 Q She is a state woman, is she? A Yes sir.  
 Q Did you ever draw any money from the Creek Nation? A Well, uncle Tobe  
 Q Tobe who? A Tobe Drew. He is the one that drew it; I was on the railroad then; I wasn't here.  
 Q How do you know it? A They told me.  
 Q Who? A Cousin Ellen McIntosh.  
 Q You never got any of the money? A No sir; he drew it but never give me none; give it to my mother.  
 Q Has any money ever been drawn for these children you have named here? A Uncle Tobe drawed all of it my mother told me; I was working on the railroad then and while work was good I just went on.  
 Q Whereabouts on the railroad were you at that time? A I worked between Little Rock and Ft. Smith.  
 Q That's in Arkansas? A Yes sir; then I worked on this road here.  
 Q Do you reside in the Creek Nation now? A Yes sir.  
 Q How long have you been living in the Creek Nation this last time? A I have been living in the Creek Nation now for about 4 years.  
 Q Where did you come from? A Arkansas.  
 Q How long did you live in Arkansas? A Well, about 14 or 15 years.  
 Q Where did you live before that? A In Texas.  
 Q How long did you live in Texas? A I come here from Texas in '68.  
 Q Where were you born? A In Arkansas.  
 Q Where did you live when the Civil War come need? A Down there between Little Rock and Pine Bluff; near Red River there.  
 Q In Arkansas? A Yes sir.  
 Q Were you the slave of a citizen of Arkansas at that time? A No sir.  
 Q What were you doing down there at that time? A My mother you know was a slave.  
 Q Slave of whom? A Of Mrs. Drew's.  
 Q Did you ever live in the Creek Nation before 1868; that's when you say you came here from Texas? A Yes sir, I come here but I didn't stay here.  
 Q Well, I mean to live? A Yes sir, I stayed here a while-- not in the Creek Nation; in the Cherokee Nation.  
 Q Did you have a home there? A No sir, I was just working over there.  
 Q Did you stay in Arkansas from the beginning of the war until the slaves were freed? A Yes sir, stayed in Texas.  
 Q Whom did you belong to when the slaves were freed? A This man up here at Ft. Smith; Judge Owens.  
 Q Did he carry you to Texas? A Yes sir.  
 Q Was Judge Owen living in Arkansas when they carried you to Texas?

A Yes sir; they sold me from my mother and my mother got freed.  
Q Was Judge Owen a white man? A No sir; he claimed to be an Indian.  
Q Do you know what Indian nation he claimed to belong to? A Creek Nation.

The Tann Roll examined and Thomas Higginbottom not identified thereon; the 1890 authenticated tribal roll and the 1891 omitted roll examined and none of the applicants herein identified on either of said rolls; the 1898 pay roll and the 1898 omitted rolls examined and none of the applicants identified on either of said rolls.

Q What is the name of your mother? A Betty Higginbottom.

By Mr. Martin:

Q Betty Higginbottom? A Yes sir.

By the Commission:

The records of the Commission examined and it appears that Betty Higginbottom, the mother of Thomas Higginbottom, is listed for enrollment as a Creek Freedman on card Field No. 1884, and that her name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior May 31, 1904, No. 8385; she is identified on the 1890 authenticated tribal roll of the Creek Nation under the name of Betty Traw, but on no other tribal roll of said nation, nor is she identified on the Tann roll.

Lissie Higginbottom being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Lissie Higginbottom.  
Q How old are you? A Twenty-two.  
Q What is your post office address? A Inola, I.T.  
Q Are you the daughter of Thomas Higginbottom? A Yes sir.  
Q What is the name of your mother? A Biddy Higginbottom; we always heard her that, but her name was Mary.  
Q You make no claim that your mother has any rights in the Creek Nation? A No sir.  
Q Your rights, if any, come through your father? A Yes sir.  
Q You have always lived in your father's family, have you? A Yes sir.  
Q You live there now? A Yes sir. I am visiting in Muskogee now.  
Q You are a member of his family, are you? A Yes sir.

(This case is continued for further testimony.)

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 22nd day of August, 1904.

H. G. Martin Jr.  
Notary Public.

#629.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, MARCH 20, 1905.

-00000-

In the matter of the application for the enrollment of  
Thomas Higginbottom, as a Creek Freedman.

ELLA McINTOSH, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

- Q What is your name? A Ella McIntosh.  
Q How old are you? A About 45.  
Q What is your postoffice address? A Tallahassee.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q Have you always been recognized as a citizen? A Yes, sir.

EXAMINATION BY HEN C. MARTIN:

- Q Where have you always lived? A I have lived in the Creek  
Nation all my days.  
Q Do you know Thomas Higginbottom? A Yes, sir.  
Q How long have you known him? A It has been about twenty-five  
years.  
Q What is the name of his mother? A Betty Drew, but after she  
married it was Betty Higginbottom.  
Q Is Betty Higginbottom the same as Betsey Higginbottom? A Yes, sir.  
Q Where was Thomas Higginbottom born? A I cannot tell you where  
he was born.  
Q You have known him how long? A I will say about twenty-five  
years--may be longer.  
Q Where did he live when you first knew him? A Just anywhere---  
he stopped with his Uncle Tobe awhile and then at his grand-  
father's awhile, and he went to Okmulgee.  
Q How long since he has been recognized as a citizen by the  
people in the Creek Nation? A I do not know but Tobe Drew,  
Thomas and Aunt Betsey Higginbottom were always recognized as  
citizens and they got the payments.  
Q What payments? A All the payments. I knew he drew his then---  
old man Tobe---and he taken their names and went out to Okmulgee.  
Q Tobe Drew is what relation to Thomas Higginbottom? A Uncle.  
Q How long did Thomas remain away from the Territory after he  
went out of it? A He went on the Railroad working, and then  
he would come back every 4th of August.  
Q What did he do on the Railroad? A Well, I don't know that.  
Q He was a laborer was he? A Yes.  
Q Did he usually get back for the 4th of August? A Yes, sir.  
Then we used to have regular Camp-meetings.  
Q What was his reason for being back on the 4th of August? A It  
was just a great day is all that I can tell you.  
Q Did the Creek Freedmen celebrate the 4th of August? A Yes, sir.

Higginbottom #2.

Q Why did they do that? A I don't know---recognized people here, I guess.

STATEMENT BY ATTORNEY. The 4th of August is the Emancipation day and is generally celebrated by former slaves and their descendants.

Q Do you still celebrate the 4th of August? A Yes, sir.  
Q And this boy would always be back? A Yes, sir.  
Q Would the Camp-meetings follow the 4th of August celebration? A Well, the Camp-meetings would be the last of every September--- he stayed here all the time until after his mother got crippled and then he went with her to the doctor to Hot Springs, and then he remained with her awhile and came back here before the land office opened.  
Q Did he go with his mother to Hot Springs? A Yes, after the death of his sister he come right on and went with his mother to Hot Springs.

EXAMINATION BY COMMISSION:

Q You say that Toke Drew drew money for Betsy Higginbottom and his entire family? A Yes, sir.  
Q How do you know? A Because I saw him take their names and he went off and when he got the money he sent it to them--he took the names of Thomas, Phoebe, Viney and Linda.  
Q Did he call him Thomas Drew or Thomas Higginbottom? A Thomas Higginbottom.

Attorney for applicant is advised that he will be allowed fifteen days within which to introduce additional evidence.

Zera Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Zera Ellen Parrish

Subscribed and sworn  
to before me this 3rd day  
of April, 1903.

Charles S. Sweeney  
Notary Public.

En. 629.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MURKOGEE, INDIAN TERRITORY, MARCH 20, 1906.

-00000-

In the matter of the application for the enrollment of Thomas Higginbottom, et al., as Creek Freedmen.

APPEARANCES: MARTIN & GIDNEY, Attorneys for applicants.

WILLIAM HAWKINS, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

- Q What is your name? A William Hawkins.  
Q How old are you? A About forty-one, I expect.  
Q What is your postoffice address? A Tallahassee.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q Do you know Thomas Higginbottom? A Yes, sir.  
Q How long have you known him? A About five or six years ago.  
Q Did you ever know him prior to five or six years ago? A No,  
I never knew him before that, just heard of him.  
Q Did you know him as long ago as 1895? A No, not personally.  
Q Did you know of him at that time? A Yes, I knew of him.

EXAMINATION BY BEN C. MARTIN, Jr.:

- Q You say you know this applicant, Thomas Higginbottom? A Yes, sir.  
Q Do you know his children, and can you call them by their names?  
A I know he has children but could not call them all by their  
names.  
Q How many children has he? A Three or four.  
Q Where do they live? A They live up at what we call Willow Springs  
about Northwest of Wagoner.  
Q Do they live with Thomas? A Yes, sir.  
Q In the Creek Nation? A Yes, sir.  
Q Do you know Betty Higginbottom? A Yes, sir.  
Q How long have you known her? A About twenty years ago.  
Q Is she the mother of Thomas Higginbottom? A Yes, sir.  
Q How old is Thomas Higginbottom? A That I cannot tell, but judge  
that he must be somewhere along about forty-five, but can not  
tell exactly.  
Q Do you know how long he has been in the Creek Nation? A He has  
been here about six years, I think.  
Q Where was Thomas Higginbottom born, do you know? A I do not  
know just where he was born.  
Q Where was he living when you first knew him? A He was here in  
the Creek Nation when I first knew him.  
Q At what place was he living? A Well some folks call it Boden  
and some call it Pleasant Grove.  
Q Do you know how long he had been living there when you first knew  
him? A Yes, I saw him next day after he moved there, I expect.  
Q Where did he come from? A From Pine Bluff.  
Q Arkansas? A Yes, sir.  
Q You did not know him before he moved from Pine Bluff, did you? A  
Only just what I heard---I heard of him but never knew of him  
before.



Harrington: 11 22:

Q How long since you first knew him? A About six years ago.  
Q Who did you say that Betty Harrington was? A Betty Harrington  
might have been Betty Brown in the mother of Thomas  
Harrington.  
Q Is she a citizen? A Yes, sir.  
Q Do you know the name of any citizen that knew the applicant,  
Thomas Harrington, before he came to this place, Arkansas? A  
Yes, I expect so.  
Q Give the names of any people whom you think would know? A  
Ella McIntosh.  
Q Who else? A Betty McIntosh would know him.  
Q How old are you? A I could myself forty-one this coming  
Christmas, of course I cannot give the exact date.  
Q What town in the Creek Nation does Betty Harrington belong to?  
A Arkadelphia, Ark.  
Q Was she and the members of her family ever mentioned as citizens  
of the Creek Nation? A Yes, sir.  
Q Was Thomas Harrington, the applicant herein, ever mentioned to  
hold land in the Creek Nation? A Yes, sir.  
Q Did he ever vote in any of the elections in the Creek Nation?  
A No, he did not vote in any of the elections in the Creek Nation  
was not established here.  
Q Did you ever hold any office in the Creek Nation? A  
Yes, sir.  
Q What office did you hold? A I was one of the members of the  
law firm here you took a number of the cases of McIntosh. A Con-  
siderable number.  
Q What are the duties of the members of the firm of McIntosh in  
relation to the law? A I believe it is to advise the people  
hard to answer. It is our duty to look after the interests of  
all our people. I believe it is to advise the people.  
Q If some outside person should come in on a matter in the  
land in the Creek Nation, is it your duty to look after the  
that matter? A Yes, and see that they do not get off.  
Q When Thomas Harrington came in and told you that he was married  
him as a citizen, did you not? A Yes, sir.  
Q When you never made any objection to it? A No, sir.  
Q Was he then a citizen of the Creek Nation? A Yes, sir.  
Q In a civil case, William McIntosh. A Yes, sir.  
Q In all the cases, William McIntosh. A Yes, sir.  
Q Do you know whether or not William McIntosh applied to the  
citizens of the Creek Nation? A Yes, I think it was some time  
I was with a child who was a member of the Creek Nation.  
Q Did you know that the child was a member of the Creek Nation?  
A Yes, sir.  
Q When was the child born? A I do not know.  
Q Thomas Harrington, William McIntosh, and the child were all  
it might have been Betty. The child was a member of the  
Creek Nation.  
Q Do you know in whose possession the child was? A Yes, sir.  
Q William McIntosh's possession, and if he had not, it would have  
been in the possession of the child.  
Q You say you saw the child in the possession of the child?  
A Yes.

Q What then did you do after that? A I did not do anything.  
Q Did you know that the child was a member of the Creek Nation?  
A Yes, sir.  
Q Did you know that the child was a member of the Creek Nation?  
A Yes, sir.  
Q Did you know that the child was a member of the Creek Nation?  
A Yes, sir.  
Q Did you know that the child was a member of the Creek Nation?  
A Yes, sir.  
Q Did you know that the child was a member of the Creek Nation?  
A Yes, sir.



Washington, D.C.

At the request of the Attorney for applicants this  
case is continued for fifteen days.

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Rosa Wilson Parrish, being sworn on her oath, states that she  
stenographer to the Commission to the Five Civilized Tribes and  
reported the above case as that this is a full, true and correct  
transcript of her stenographic notes in case.

John E. L. Linn

Submitted and sworn  
to before me this 30th day  
of March, 1909.

W. A. L. Linn  
Notary Public

En . 689.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MURKOOK, I.T. JUNE 6, 1905.

In the matter of the application for the enrollment of  
Thomas Higginbottom as a Creek Freedman.

India Higginbottom, being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A India Higginbottom.  
Q What is your age? A 18.  
Q What is your past office? A Inola.  
Q You know a child of Thomas Higginbottom? A Yes sir.  
Q Do you know Jake Higginbottom? A Yes sir, he is my brother.  
Q How old is he? A 15.  
Q Do you know Alex? A Yes sir.  
Q How old is Alex? A He is nine.  
Q Do you know Beatrice? A Yes sir.  
Q How old is she? A Seven.  
Q Do you know Pearlle Harris? A Yes sir.  
Q How old is she? A Seven.  
Q Do you know Seldon Harris? A Yes sir.  
Q How old is he? A three years.  
Q Do you know Willie Higginbottom? A Yes sir.  
Q How old is he? A He is 13.  
Q Now this record,--this page with writing on which you have now,  
did you copy that from a Bible or any other record you had?  
A I copied it from the Bible.

Witness presents a record written in pencil as follows:  
"Lizzie Higginbottom born Dec. 18, 1868. India, Feb. 23,  
1867. Jake, July 22, 1890. Alex, Dec. 25, 1896. Beatrice  
Mar. 18, 1898."

"Grandchildren: Pearl Harris, Aug. 15, 1898. Seldon, Jan.  
27, 1902. Willie Higginbottom, July 16, 1898. I made a  
mistake on Seldon Harris age, he is younger than I thought  
he was, when I came home I looked in the bible and found  
the correct age."

Q Did you write this? A Yes sir.

Q When did you look in the Bible and copied this? A When he came  
home.

Q You mean after he came home after having been in here to give  
testimony? A Yes sir.

----- 000-----

Thomas Higginbottom, being duly sworn, testified as follows:

Q How old is your grandchild, Seldon? A Being on three years old  
I believe, to my knowledge. I stated before that he was five  
years old, but I was mistaken about that.

Q You looked it up in the Bible when you went home and found out that he was three years old? A Yes sir.

The paper referred to is filed herewith and made a part of the record in this case.

Lona Merrick, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said cause on said date.

*Lona Merrick*

Subscribed and sworn to before me this 5th day of June, 1905.

*Edw. C. Merrick*

Notary Public.

80.

OF AN AG

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT OF THOMAS  
HAGGINSBOM, OF AL. AN OF THE CRACK NATION.

SUPPLEMENTAL STATEMENT.

Trials rolls of the Crack Nation in the possession of the  
Commission examined and none Hagginsbom not included on  
of said rolls.

Records of the proceedings of the United States in the  
possession of the Commission examined, and it does not appear  
that application was made to said Commission for the enrollment  
of the applicants herein, or any of them, to citizenship in the  
Crack Nation.

Records of the proceedings of the Commission to the Five  
Civilized Tribes, under act of Congress of June 10, 1906, examined,  
and it does not appear that application was made to the Commission  
for the admission of the applicants herein, or any of them, to  
citizenship in the Crack Nation.

  
JOHN A. DICKET.

Witness, in Indian Territory,  
JUNE 9, 1906.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY,  
MAY 14, 1906.

In the matter of the application for the enrollment of  
Thomas Higginbottom, et al, as Creek Freedmen.

Appearances: M.L.Mott, Attorney for the Creek Nation.  
George K. Powell, attorney for the applicants.

GABRIEL JIMMERSON, being duly sworn, testified as follows:

- Q What is your name? A Gabriel Jimmerson.  
Q How old are you? A 66.  
Q What is your post office address? A Wybark.  
Q What is your purpose in appearing here to day, Well, I came  
in here this morning not on this business, but ---  
Q You came here to appear as a witness in the case of Thomas  
Higginbottom? A Yes sir, the old lady wanted me to come in  
about it.  
Q What old lady? A The mother of Thomas Higginbottom, Mrs. Drew.  
Q Do you know Thomas Higginbottom? A Yes sir.  
Q How long have you known him? A Thirty, some odd years.  
Q When did you first become acquainted with him, do you know?  
A No sir, I don't know.  
Q How old was he when you first become acquainted with him?  
A Since I was a boy.  
Q Was he as much as seventeen or eighteen years old? A I  
don't know. I have no idead how old he was.  
Q Was he older than that? A I don't know, he looked mighty  
young, but I don't know his age.  
Q What is the name of his mother? A Betsy Drew.  
Q Did she ever go by the name of Betsy Higginbottom? A Yes sir,  
after the war she went by that name.  
Q Were you acquainted with Thomas Higginbottom before the war?  
A No sir, got acquainted with him after the war.  
Q What is the name of the father of Thomas Higginbottom?  
A I don't know.  
Q Never knew his father? A No sir.  
Q Where was Thomas Higginbottom living when you first met him?  
A Across the river Arkansas.  
Q In the Creek Nation? A Yes sir, about five miles.  
Q Who was he living with? A Mrs. Drew.  
Q When you first met him he was living with his mother, Mrs.  
Drew? A Yes sir.  
Q When you first met him he was seventeen or eighteen years old?  
A I wouldn't swear as to his age.  
Q Was he living with his mother at that time? A Yes sir.  
Q Who was she living with at that time? A Her mistress, Mrs.  
Drew.  
Q A Creek citizen? A No sir.  
Q A woman? A Yes sir.  
Q Do you know when Thomas Higginbottom left this country, at  
what age? A I don't know, I didn't know his age.  
Q From the time you first knew him, how long did he live in  
the Creek Nation? A Well, after the war he came back from  
Texas, and from here he went to Arkansas.  
Q After the war? A Yes sir.  
Q How long after the war? A I couldn't tell tell you that sir.

Q Was it 10 or 12 years? A Might have been that long, I don't know.

Q How long did he live in the Creek Nation? After he came back after the war? A I don't know, six or seven years, seven years I think.

Q You are just guessing at it, are you? A I didn't keep time.

Q Then he went away again? A Yes sir.

Q Where did he go? A Hot Springs, Arkansas.

Q How long did he stay there? A I don't know.

Q Did you ever see him after that? A Yes sir. When he came back again.

Q When did he come back to the Creek Nation again? A Well, I believe he came back ----I seen him off and on after that.

Q How many years ago has it been since he came back from that trip to Arkansas--from Hot Springs here? A I don't know.

Q How many years has he been living in the Territory, this last time he has been back? A I don't know.

Q Has he been in the Territory several times? A Yes sir, in and out, in and out, going and coming, so I couldn't tell you how long.

Q You weren't acquainted with him or his mother prior to the war? A I knew her before the war.

Q Was she a citizen of the Creek Nation? A Yes sir.

Q How do you know that? A I--because she belongs to the Drew family, I belongs to the Marshall family.

Q How do you know she was a recognized citizen of the Creek Nation? A She belonged here, anyway she was a Creek.

Q Is that your only reason for saying she was a citizen of the Creek Nation? A Yes sir.

Q Because she was owned by a Creek woman? A Yes sir.

Q Do you know if she was recognized as a Creek citizen by the tribal authorities? A Yes sir, she drew money.

Q When did she draw money? A Tobe Drew drew money for her.

Q When did he draw money for her? A At the 14dollar payment, at Okmulgee.

Q How do you know that? A Cause I was sitting at the table when he drew it for her.

Q Does your name on the Dunn Roll---Does your name appear on the Dunn Roll as a Creek citizen? A Yes sir.

Q Does Betsy Drew's name appear on that roll? A I don't know.

Q You don't know anything about that? A No sir.

Q You just now said she drew money in 1890? A I know her name was on the roll.

Q In 1890? A Yes sir.

Q Do you know if she drew any other money? A No sir.

By Mr. Powell: How long did you say you have known Thomas Higginbottom? A I guess it is over 27 years.

Q Do you know whether Thomas Higginbottom has any children or not? A No sir.

Q You don't know whether he had any or not? A No sir.

Q Did you ever hold any official position in the Creek Nation? A Yes sir.

Q What was it? A Town king of Arkansas town.

Q In that official position, what were your duties? A Represented my people--the people that belonged to that town.

Q Were you in possession of the town roll during that official position you held? A No sir, at that time, I wasn't.

Q Were you later? A Yes sir.  
Q Does the name of Thomas Higginbottom appear on this roll?  
A I don't know, it was on the old roll; Sampson Hawkins was  
town king and when I succeeded him I -- he turned the roll over  
to me.

By the Commission:

Q Do you mean to say that Thomas Higginbottom's name appears  
on any of the town rolls? A Yes sir.

Q Do you know if the name of Thomas Higginbottom appears on any  
of the final rolls of the Creek Nation? A Yes, on the town  
roll.

Q What do you mean by on the town roll? A On the Arkansas town  
roll.

Q Who put it there? A Sam Hawkins.

Q Did you ever see it there? A Yes sir.

Q Are you willing to swear that? A Yes sir.

Q Who put it there? A Sam Hawkins, I guess-- I don't know who  
put it there, but it is on that roll.

Q Did you ever see it on any other roll? A No sir.

Q Can you remember the names of all the people on that town  
roll? A No sir.

Q How does it happen you remember the name of Thomas Higginbot-  
tom appears on that roll? A Well, after I got through, the  
rolls were turned over to me by Sampson Hawkins, of course I  
don't know what names were on that roll. After Thomas Higginbot-  
tom's sister got killed, then I went to him ask him if he be-  
longed to another town, and I found out he belonged to the Ar-  
kansas town.

Q Why is that you looked on the roll even after you heard  
his sister got killed? A I always have the names called over.

Q Under what name does he appear on that roll? A Drew, I  
think that name was changed.

Q Can you swear that Thomas Higginbottom went by any other name?  
A Yes sir, went by the name of Drew.

Jane Warrick, being duly sworn, states that the above  
and foregoing is a true and correct transcript of her stenograph-  
ic notes as taken in said cases on said date.

*Jane Warrick*

Subscribed and sworn to before me this 24th day of May, 1906.

*J. B. [Signature]*

Notary Public



Q What was he called when he was living with his mother? A Drew, I think.  
Q Did you ever hear of Higginbottom? A If a person was owned by a white person, we called him by the Indian name and if owned by a colored person we called them by their name but I don't know how Higginbottom got in there.

BY ATTY:

Q How long did Thomas Higginbottom live Mr. in the Greek Nation? A It has been 27 years.  
Q You grew up living over to Arkansas when did he come back from there? A I couldn't tell you.  
Q About how long ago? A About 6 or 7 years ago, as far as I can think.  
Q Is Thomas Higginbottom a son of Betty Drew? A Yes, sir.  
Q Do you know whether Thomas has any children or not? A I don't know.  
Q As town king you had access to the town rolls did you not? A Yes, sir.  
Q You saw the roll? A Yes, sir.  
Q You saw Thomas Higginbottom's name on that roll? A Yes

COMMISSIONER:

Q What name did you see on the roll that you thought was Thomas Higginbottom, tell the name you saw on the roll? A The one they told me was Thomas Higginbottom I didn't know how Thomas Higginbottom got in in there, he went by Drew before that; I didn't know how that change was made.  
Q He went by the name of Drew? A Betsey and the children went by Drew.  
Q What name did you see on the roll? A Higginbottom, that's how I wanted to find out who was Higginbottom.  
Q His name was on as Thomas Higginbottom? A Yes, sir.  
Q Not as Thomas Drew? A No, sir.  
Q You saw the name Betsey Higginbottom on the roll too? A Betsey Drew and the children as Higginbottom, that's the reason I wanted to find out.  
Q How about other names on that roll? A I am not able to tell you.  
Q Sampson Hawkins after his term as town king expired, he turned the rolls over to me.  
Q Did you see the name of Thomas Higginbottom or Betsey or any of the other persons of his family on any other roll? A Yes.  
Q On any other roll than the '90 roll? A Yes.  
Q Did you ever see them on any other roll besides the '90? A Yes, sir.  
Q On what roll? A The roll turned over to me.  
Q What roll was that? A The roll he had when he was king.  
Q Was that a payment roll? A No, sir.  
Q What was it? A A town roll.  
Q A town roll of citizens? A Yes, sir.  
Q From that roll did they make a list of citizens to whom money was paid? A Yes.  
Q Do you know whether Thomas Higginbottom received any payment as a citizen of the Greek Nation? A Yes Drew drew it for the whole family.  
Q Who told you that? A I sat at the table when he was paid.  
Q Did you see it paid? A Yes, sir.  
Q How much? A I don't know.  
Q Did you know who that money was for? A Yes, sir.  
Q Did he give the money? A Yes, sir.  
Q And you remember it? A Yes, sir.  
Q Do you remember the money that was paid to each family? A No, sir.  
Q How do you happen to remember this Higginbottom? A There was over three thousand and I didn't remember all.  
Q Was Thomas Higginbottom offered you any money to testify in this case? A Not a penny.

Has he paid your expenses? A No, sir, I didn't come up here for that purpose.

Q Have you often testified in citizenship cases? A Not many.

Q Is your memory accurate in regard to the names of the members of the Creek towns to which you belong? A I can remember some.

Q What year were you born? A I don't know.

Q How many people were on that roll of Arkansas towns at the time you saw their names on that roll? A About 700 and something.

Q How far were you living from the Higginbottom family at the time that roll was turned over to you? A About five miles.

Q Were you very intimate with them? A Yes.

Q Were you there every day? A No, sir.

Q Were you there once in six months? A I might; I never kept time. Don't know how often I been there. Some time I see them.

Q Was he ever recognized as a citizen of the Creek Nation? A I was sitting by the table when we paid the money out.

Q Was he ever recognized at any other time? A I never paid any attention to that part of it.

Q You don't know of any other occasion when he was recognized as a citizen? A I don't know whether his citizenship was rejected.

Q He wasn't present when that payment was made? A No, sir.

Q He has been in and out of the Territory at different times? A Yes, sir; he wasn't here time of the payment.

Q Do you know whether his name appears on the Dunn roll? A No, sir.

Q Was his mother ever recognized as a citizen prior to 1890? A Yes that's the time he left.

Q Was his mother ever recognized as a citizen before 1890? A On the roll when I got it.

Q When did you get that roll? A I got that roll--I disremember the year--when Sam Hawkins time expired, I got the roll; he was a king ahead of me.

Q Have you ever been in jail? A No, sir.

Q Have you ever been tried for any offense? A No, sir.

Q You stated a while ago when asked how many names were on the roll at the time you say you looked and saw Thomas Higginbottom name you answered at that time there was about 700? A Yes 700.

Q That was a roll you made yourself? A Sam Hawkins made it, I was not an officer then.

Q How long ago was that you saw that name there? A I couldn't say; it has been a good while.

Q How many years were you town king? A About 22.

Q Then this roll you saw must have been made more than 22 years ago?

A Yes, sir.

Q Have you that at home now? A No, sir.

Q How long since you saw it? A Been a good while.

Q Have you any kind of a roll at home of Arkansas town? A I might have some old roll.

Q Was that the kind of a roll you saw it on? A The kings weren't particular about rolls.

Q You were an enrolled citizen? A Yes.

Q You were recognized by the proper authorities of the Creek Nation as a citizen were you? A Yes, sir.

Q Were any of these people recognized in that way? A Not with me.

Q Do you know whether any money was ever drawn for any of these people in the Creek Nation? A Yes, sir.

Q How do you know that? A I was there at the table when they paid it.

Q Would you know that roll now if you saw it? A I don't know whether I would or not.

Q What payment was that, 90, 95 or what? A That \$14.00

Q Was that the payment, the \$14.00? A Yes.

Q Is that a copy (Presents authenticated copy of the '93 payment when the \$14. payment was made) A I don't know.

Q How many names were in that family group when you saw that payment?  
A I don't know.  
Q Just tell what names you saw in that place? A I seen four besides the old lady.  
Q Name them? A Betsey, Tom and I forget the others.  
Q Did you ever see the name of Higginbottom on a roll of Arkansas town? A Yes, we used to call them Drew.  
Q I asked you did you ever see Higginbottom on the roll? A Yes, I don't read or write.  
Q How do you know you saw that name? A They called the roll.

BY ATTY. FOR CHIEF NATION.

Q How long were you town king? A Twenty two years.  
Q Town king now? A Yes, sir.  
Q Was Higginbottom out of the Territory when you first became town king? A Yes, sir went to Hot Springs.  
Q Been 22 years since you became town king? A Yes, sir.  
Q Did he live here before you were elected town king? A Yes.  
Q How old is Higginbottom now? A I don't know how old.  
Q About? Old as you? A He is older.  
Q I am talking about Thomas Higginbottom? A Not as old as I am, I don't know how old he is.  
Q Can't you guess? A I wouldn't like to guess. We didn't keep it in these days.  
Q I could guess at your age if I never saw you before? A I have known him over 20 years.  
Q How old when you first knew him? A I don't know.  
Q Was he grown? A Young man.  
Q Was this roll a private roll that belonged to you kings or an official roll? A The kings.  
Q For your own private use? A That is the way they used it. They don't use the rolls now like they did then.

COMMISSIONER.

Q You drew a lot of money yourself that \$14. payment didn't you?  
A Yes, sir.  
Q How much did you draw altogether? A I don't know.  
Q Did you draw \$1000.00 or thereabouts? A I don't know how much.  
Q Can you read or write? A No, sir.  
Q Did you sign by mark for these families you drew for? A Yes, sir.  
Q Did you ever draw for anybody you didn't know? A They belonged to the town.  
Q How do you know? A Because I counseled them.  
Q Did you ever hear of Rachel Van? A Yes, sir.  
Q Walter Van and Mary Van? A Yes, I knew them.  
Q Name the rest of that family that you drew the \$14. payment for?  
A I couldn't; it has been a long time.  
Q Could you have told any of those if I hadn't called them off? A Some but not all.  
Q Tell what you can in that Van family besides what I called off?  
A The children lived in the Cherokee Nation; I seen them but didn't know their names.  
Q Did you draw the money for Rachel Van and her family in the \$14. payment? A I did.  
Q How much did you draw for that family? A I don't know.  
Q Do you know how many individuals were in that family? A No, sir.  
Q Do you know whether there was a child named Wera Van in that family or not? A No, sir.  
Q You don't know now that you saw the name of Wera Van on the pay roll that day? A No, sir.  
Q Did you hear this Van family called off? A Yes, sir.  
Q They called it like they did the Drew? A Yes, sir.

Q You don't know that you heard the Sam family called out? A No, sir.  
Q Don't know the children's names.  
Q Do you now remember having heard called at that time in the family  
of Rachel Van the name of Wura Van for payment? A No, sir.  
Q Now does it come you remember having heard Thomas Nigginbottom's  
name called? A Now some I do remember that was they went by Drew  
before the war and when Nigginbottom came in I wanted to know who was  
that.  
Q Now does it come you can remember his name and can't remember the  
name of a person that you actually drew for? A I know we didn't have  
any Nigginbottoms in this nation and I wanted to know where did they  
come from.  
Q Didn't you hear the name Thomas Nigginbottom called out and money  
was handed over? A Yes, Drew drew that money.  
Q Did you hear the name of Thomas Nigginbottom called out at that  
time, payment? A Yes, Drew gave the name and drew the money.  
Q Did you hear the name of Thomas Nigginbottom called out at that \$14  
payment? A If I did I don't remember.  
Q Then how do you know that my money was drawn for Thomas Niggin-  
bottom? A Drew for the old lady and her children.  
Q Did you ever see the name Nigginbottom on a roll of Arkansas town?  
A Yes, it is on a roll of Arkansas town.  
Q When? A Long time.  
Q How many times have you seen it on there? A I can't tell that.  
Q You see it on there? A They called it over to me. I can't read or  
write, and I asked the question who is Nigginbottom.  
Q Do you know what an oath is? A Yes, sir.  
Q You swore a while ago that you never saw Nigginbottom on the roll  
at all, never saw any Nigginbottom? A I saw it on the roll when Sam  
Nigginbottom turned the roll over to me. The names were there. The names  
were called.  
Q Do you say you think it was called over? A It was called over.  
Q Who called it over? A I don't remember.  
Q Then was it called over to you, at the time this fellow turned it  
over to you? A I got a roll after I got to be king.  
Q The day you turn the roll that was given you over to, you haven't  
that roll now? A No, sir.  
Q What did you do with it? A Had it copied off.  
Q Who had it copied? A I did and the Commission got it.  
Q Is this the roll? A No, sir, it wasn't in a book like that.  
Q Did you draw for Richard Tiger at that payment? A I don't know who  
drew for, I drew for a good many.  
Q And you don't remember hearing that name called and you drew for it  
yourself? A No, sir.  
Q Did you draw for your family? A Yes, sir.  
Q How many people in your family that you drew for? A Thirteen I guess.  
Q Don't you want? A I can call them all over.  
Q Did they go by numbers in that payment, you are No, I aren't you  
in that list? A Yes, you the first man to draw that money? A  
I don't know whether I was the first one or not.  
Q Was your family the first family to draw money? A I don't know.  
Q Do you remember the name of the first family outside of your own  
that you drew money for in that? A I don't know.  
Q Did you draw that money for any people on that day that you didn't  
know anything about? A No, sir.  
Q Do you know if you heard the name of Low, Phoebe Low, called at  
that time? A I don't know but I don't remember.  
Q Don't remember whether her name was called out? A I don't remember.



Q Do you remember the names of any ones in her family that were called out, in the same group with her? A No, sir.

Q If a difference in name was all that makes you remember this Higginbottom, why is it you can't remember people in the family of Phoebe Lowe who have different names? A You see this old lady used to go by Drew and then they began calling her Higginbottom.

Q Now how would such a silly incident as that make you remember that you heard Thomas Higginbottom called off? A We had no such name as Higginbottom in the Creek Nation.

Q What do you mean by that, wasn't it ever on any roll? A We had no Higginbottom.

Q No Higginbottom? A Not before the war.

Q Do you mean that there was no Higginbottom on the roll? A Had no such name as Higginbottom before the war and I wanted to know where that Higginbottom came from.

Q Did you ever hear the name of Higginbottom called off from any of the Creek Indian rolls? A No, sir, I don't remember.

Q Don't remember having heard the name Higginbottom called off any roll? A Yes, that roll I got from Sam Hawkins.

HEARING ADJOURNED.

HEARING RESUMED, May 15, 1906.

Q You testified yesterday that Sam Hawkins the town king who preceded you turned over to you a list of citizens of Arkansas town, is that right? A Yes, sir.

Q Who did you turn that list over to? A I disremember who, to one of the members of the council I think Jeffray something.

Q And from the list that was turned over to you a copy was made and turned over to the Dawes Commission, is that correct? A I don't know; the roll was made up 2 or 3 times. I don't know if that is the same one.

Q Between yesterday and today have you considered the testimony you gave yesterday and do you now remember whether you ever saw the name Thomas Higginbottom on any roll? A Yes

Q You think you did? A Yes

Q Didn't you testify some time ago in the matter of the application for the enrollment of Chaney Trent? A Yes

Q Was Thomas Higginbottom ever been recognized by the tribal authorities of the Creek Nation in the past ten years as a citizen? A Not ten years.

Q He has not been recognized as a citizen during the last ten years?

A Before the \$14 payment, a little before that I reported the whole list to the council.

Q Since that time do you know of any recognition that he has had by the Creek tribal authorities as a citizen? A No, sir I never paid any attention to it.

Q Do you know if he was ever recognized in any way by the Creek tribal authorities before the \$14 payment? A I don't know.

Q And you state now that all you know about this case is that you remember seeing the name or having the name Thomas Higginbottom read to you from a list? A Yes

Q From a slip of paper? A A book.

Q Read to you from a book? A Yes

Q Are you sure that that name was read to you from a list of citizens of the Creek Nation? A Yes, I am sure.

Q How do you know, could you read and write? A They read it to me that way.

Q If I was to read here something from any paper you would have to believe it until you knew something better? A Yes, sir believe it until I found out something better.

Q Did they have any other books or papers before them when they read that to you? A No, sir

ELLA McINTOSH, being duly sworn, testified as follows:

- Q What is your name? A Ella McIntosh.
- Q What is your age? A I don't know something like 45 I reckon.
- Q Where do you live? A Eight miles from here; this side of Tallahassee.
- Q Postoffice Tallahassee? A Yes, sir.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q How long have you lived in the Creek Nation? A All my life .
- Q Born here? A Yes
- Q Have you lived in the neighborhood where you now live most of your life? A No, sir
- Q Where did you live before that? A Right across the Verdigris.
- Q Towards Ft Gibson? A Yes, sir
- Q Are you acquainted with a man named Thomas Higginbottom? A Yes
- Q How old is he? A I don't know.
- Q How long have you known him? A Been knowing him for years, I don't know how many.
- Q Known him five years? A Longer than that. Ever since the first railroad came through the Territory known him since then.
- Q You mean first railroad that came through Muskogee? A Yes, the Katy I guess.
- Q How old was he when you first got acquainted with him? A He was big enough to work on the railroad.
- Q Was he working on the railroad? A Yes, sir
- Q Much as 20 or 21? A As much or more, I don't know his age.
- Q How long have you been knowing him, how many years? A You may say nearly all my life. His mother is an aunt of mine.
- Q What is the name of his mother? A Betsy Higginbottom, used to go by Betsey Drew.
- Q Slave of some one named Drew? A Yes, sir
- Q Was Thomas Higginbottom a slave? A I suppose so.
- Q How far did they live from you? A I staid right in the yard with her father old man Toter Grayson. Some called him old man Drew.
- Q You say when you first became acquainted with Thomas Higginbottom he was about 20 or 21 years of age? A I guess so.
- Q You don't know anything about his life prior to that? A I heard of him as Betsey's son.
- Q Do you know anything about Thomas Higginbottom prior to the time you first met him? A Yes, sir
- Q What do you know? A I knew he was my aunt's son.
- Q Who told you so? A My grandfather.
- Q You don't know where he had lived? A No, sir. He was too small.
- Q Is he older than you? A Yes
- Q How much older? A I don't know.
- Q As much as ten years? A Might be more than that.
- Q Do you think he is more than that? A I think so; I was a small sized girl when he was a full grown man. I believe my grand mother called him 13 or 14 when the railroad came through here.
- Q How long did he live here after you first got acquainted with him?
- A He was here off and on working on the railroad.

Q Did he live outside the Territory? A I don't know whether he did or not.  
Q Did he ever tell you he had been in Texas? A No, sir I never asked him.  
Q Do you know whether he was ever recognized by the tribal authorities?  
A Yes, sir.  
Q How do you know? A Old man Tobu Drew drew his money.  
Q How do you know? A I saw it.  
Q How much money was paid to Tobu Drew for the members of that family?  
A He drew for the whole family.  
Q How many? A About thirteen in that family.  
Q How do you know Thomas was in that family? A Thomas Highinbottom?  
Q How do you know money was drawn for Thomas? A Because his name was called.  
Q Did you hear his name called? A Yes, I was there drawing money for him.  
Q What name was called? A Betty, Thomas, Devi, Malinda and Vina.  
Q Give the whole name? A Malinda Highinbottom, Vina Highinbottom, Thomas Highinbottom, Devi Highinbottom, Betty Highinbottom and one they called Phoebe Highinbottom and one they called Alice.  
Q Any others? A I didn't hear any others and drew for five of his sisters that weren't here.  
Q You remember hearing the word Highinbottom? A Yes. I will tell you my reasons.  
Q You are sure they didn't call Thomas Smith or any other name. You are sure it was Thomas Highinbottom? A Yes, sir.  
Q Did you ever hear Thomas Highinbottom called by any other name?  
A They all were Drews.  
Q Did you ever hear him called by any other name? A His mother was a Drew.  
Q Do you know if Thomas Highinbottom has any family? A Yes, sir.  
Q He has a family? A Yes.  
Q What is the name of his wife? A Biday.  
Q Living? A Yes, sir.  
Q Where did he marry her? A I don't know.  
Q Did you ever know her? A Yes I knew her after he brought her here.  
Q He brought her from somewhere? A Yes.  
Q Did he establish a home here? A Yes.  
Q Did he take his family with him when he went away at times? A I don't know.  
Q How far did you live from Thomas Highinbottom and his family?  
A About 15 miles, might be further.  
Q He never lived in that one spot did he? A No, sir.  
Q Moved around a good deal? A Yes, sir.  
Q Moved out of the Territory? A No, sir.  
Q You stated a while ago that he used to go away on the railroad? A He did.  
Q And you don't know whether he took his family away? A I don't know.  
Q Did you see Tobu Drew pay that money to Thomas Highinbottom? No, sir he sent it to his mother.  
Q How do you know? A He sent it in a packet and letter.  
Q Can you read? A No, sir.  
Q Not so you know what was in the letter and who it was from for Betty Highinbottom?  
Q How do you know that? A He said he was sending it then.  
Q How much money did he put in that letter? A I don't know. He sent the letter to his mother to read.  
Q How long had Thomas Highinbottom been in the Territory before you met him? A I don't know.  
Q Had he been here a year? A Might have been a year or two years.  
Q Had he been here three years? A I don't know.  
Q Had he been here four years? A Yes, sir I did hear but to say how many years I couldn't say.



Q What did you hear? A I heard he was down on Big Creek.  
Q You don't know how long he had been here? A I don't know.  
Q Did you ever hear as to how long after the war he came to the Territory? A No, sir.  
Q Did you ever hear that? A He said he came shortly after the war but I couldn't tell you how long.

ATTY. FOR APPLICANT.

Q Do you know the names of the family of Thomas Higginbottom? A Yes  
Q Did you know Betty Higginbottom? A Yes, sir  
Q What relation to Thomas? A His mother.  
Q Where was Thomas living when you first knew his mother? A He was staying with his mother and then after he began working on the railroad he stopped with my grandfather. His mother was living across the river on her own place.  
Q Did you know of Thomas Higginbottom before you met him? A Yes I heard of him when I met him, they said that is Betty's son Thomas.

THOMAS HIGGINBOTTOM, being duly sworn, testified as follows:

Q What is your age? A I am between 45 and 6 or 7; I think somewhere along in there.  
Q I will state that you look to be a man of at least 35 and I should judge you are between 35 and 40 from your appearance. I will ask you when you state you are between 45 and 7 do you know that that is your age? A I don't know particularly.  
Q When did you first meet this McIntosh the witness who preceded you on the stand? A About 27 or 30 years ago.  
Q How old was she then? A I don't know sir.  
Q Was she a grown woman then? A Not quite.  
Q Pretty near? A Not quite.  
Q Do you remember when you were taken from the Territory? A No, sir I don't remember.  
Q How many years ago was the Civil war? A I think the Civil war wasn't over during the Civil war.  
Q Where were you born? A In Texas.  
Q How long did you stay in Texas after your birth? A I don't know.  
Q You don't know? A No, sir I don't know.  
Q Where did you go from Texas? A Back here.  
Q Weren't you born in Texas? A Yes, sir.  
Q How old when you came from Texas? A About--  
Q Were you ten years old? A I don't know sir.  
Witness is requested to use his best endeavor to remember circumstances and dates.  
Q Were you a baby in your mother's arms when you were taken to the Territory from Texas? A No, sir I wasn't a baby.  
Q Were you a grown man? A No, sir I wasn't.  
Q Were you 12? A I reckon I was 12 or 13 somewhere along there.  
Q That is the first time you came to the Territory? A Yes.  
Q How long did you live in the Territory then? A I don't know.  
Q I lived in the Territory I reckon about 3 or 4 years.  
Q You were pretty well grown man when you went away again? A Yes.  
Q Where did you go? A I stopped at Ft. Gibson and worked there a while and then I went from there to Dallas.  
Q From there? A Fort Smith.  
Q How long there? A A good while.  
Q How long? A I reckon 3 or 4 months and then I came back here for my mother; I staid there about 4 months.

Q How long did you stay here then? A A time.  
Q Then where, to Ft Smith? A Yes, sir.  
Q How long in Ft Smith then? A Until my mother got here.  
Q When did she get here? A I don't know exactly.  
Q How old were you when she got here? A I reckon I was about 28.  
Q Then where did you go? A Then we carried her to Hot Springs  
Q How long there? A A good while.  
Q How long? A I didn't stay there but my mother and brother staid  
there. He staid there about--I don't know.  
Q How long did you stay there? A No longer than 3 weeks/  
Q Then did you come back to the Territory? A I was working on the  
Railroad.  
Q You didn't come back to the Territory? A In August I came back to  
the Territory.  
Q What made you come back in August? A Because it is celebration time  
and I would always come back.  
Q Did you come back every year? A Pretty near.  
Q Were you away ever as much as 3 or 4 years at a time without coming  
back? A No sir. I was away for 2 or 3 years.  
Q Did you ever go back to Texas to live? A No, sir.  
Q Never been back to Texas? A I went to Pine Bluff.  
Q You have never been in Texas since you came? A I have been there to  
visit but not to live.  
Q Were you ever recognized as a citizen of the Creek Nation by the  
Creek tribal authorities? A When I came here they all met me and told  
me where to go and make a house, to put up a house and clear the ground  
Q Who told you that? A Bob McIntosh.  
Q Your relatives told you to go and put up a house on a piece of  
ground? A Yes, sir.  
Q Is that all the recognition you had? A By the council after I put  
it up they told me "Now you go ahead and improve that land and of  
course you can stay there" and they said no one will bother you.  
Q Who is Bob McIntosh is he related to you? A Yes  
Q Were you ever recognized by the Creek tribal authorities or by the  
council? A Yes, sir by the council.  
Q How? A They admitted me, by the council putting my name down as a  
citizen of the Creek Nation.  
Q Who told you that? A Gabriel Jimmerson, out there.  
Q He never saw your name on a book. He has testified that he never  
saw your name on a book? A They give me the privilege to go to work  
and they recognized me as a citizen of the Creek Nation.  
Q Who did? A Gabriel Jimmerson and Shoshell.  
Q How did they recognize you? A I was young and I didn't know how they  
had to do.  
Q Didn't they allow other negroes to come in here and settle down on  
land? A If they did I didn't know it.  
Q As a matter of fact don't you know that there are hundreds of state  
negroes in this country? A I don't know.  
Q Don't you know that there are negroes in your neighborhood who are  
not citizens? A There aint any more than five state men up there in  
four miles of me but there is white people.  
Q As a matter of fact don't you knower do you know there are state  
negroes in this country dating back from the time that you first  
came here? A I don't know. I couldn't tell you that.  
Q How did the council ever recognize you as a citizen? A As far as  
my understanding will allow me, by my grandfather and my mother.  
My mother was born here and by her being born here I came to be a  
citizen of this country.  
Q You don't know of any tribal recognition given you by the tribal  
authorities do you? A I don't understand that.  
Q You have been told that some one saw your name or called your name  
from a roll of Creek citizens is that correct? A Some of them told me  
and my mother told me.

Q Do you know of any other recognition that of hearing that your name was called from a certain roll of names? A No, sir

Q Did your name appear on any other roll or do you claim that it did? A I knew them that might know.

Q Do you know whether your name appeared on any other roll? A I don't know.

Q What is your knowledge of that, of it having been called, on what town was it? A I don't know unless Arkansas.

Q Do you know that it was Arkansas? A No, sir I don't know positive.

Q Were you told that it was Arkansas town that your name was called from? A They said it was on Arkansas roll or something.

Q Who said that? A William Hawkins said our name was on Arkansas.

Q When did they say that? A That was in 19 something.

Q How many years ago? A Been about 5 or 6.

Q How did they come to tell you that? A We kept a looking for our names on the roll.

Q Hadn't you heard anything about it before that? A Yes I heard I was there. My mother told me so.

Q When did you first hear? A My mother told me that--I don't know the date.

Q What year as near as you can come at it? A About 17 years ago, 17 or 18 somewhere along there.

Q What roll did they tell you you were on? A I don't know the name of the roll but she told me she put it on at Okmulgee.

Q She told you this 17 or 18 years ago? A Yes, sir.

Q Did she tell you how long before that it was she put your name on the roll? A No, sir, she never told me if she did I forget.

Q You don't know what kind of a roll she put you on? A I don't know.

Q Did you ever receive any money from the Creek Nation? A My mother--

Q You are not answering the question? A No, sir, I didn't.

Q Either directly or indirectly? A My mother did.

Q I don't mean in person but did you ever get any? A I got bread money.

Q Did you ever get any other in any way that you understood to be from the Creek Nation? A Only what my mother told me.

Q What was that? A Bread money.

Q Besides that you didn't receive any money from the Creek Nation? A No, sir.

Q When was that she told you? A That's been about--she said it was \$14.

Q You understood the bread money to be \$14. A She said her brother drew for me and he gave it to her.

Q You said the only money you were ever told you had got from the Creek Nation was bread money? A Yes, sir

Q You understand the \$14 to be the bread money? A No, sir I am telling you--

Q I will ask you did you ever understand that you received any money that came from the Creek Nation than the bread money? A From my mother.

Q I don't say did you get it in person but did you ever have any given to you in any way, did you ever get any money that came from the Creek Nation? A Yes, sir my mother gave me \$5. of that money.

Q What money did you understand that to be? A She told me it was the \$14. money.

Q Did she tell you what that was for? A For me.

Q Did she tell you that was your share of the \$14 money? A No, sir.

Q How did you know what it was? A She told me that that was money she drew.

Q How do you know it was \$14. A I took her word for it but the \$4. bread money I drew it myself.

Q You say she didn't tell you it was \$14. money? A I guess so she told me she drew it.

Q How did she give you that money, hand it to you? A Yes, sir

Q Where? A Right over here at Ft Gibson.

Q At what time? A Well I don't know what year it was but I know it was about six months after that drawing.





Q Weren't they permitted to locate on land and build houses?  
A Some did it but they were intruders.  
Q Were they ever removed? A They tried to remove them.  
Q As a matter of fact don't you know that for many years state negroes have come here by the hundreds and lived in the Creek Nation? A Yes, sir I know that.  
Q And they were permitted to live here, they were not driven out?  
A They lived here all right.  
Q Did you see the name of Thomas Higginbottom on any approved roll of Creek citizens? A I never saw his name on any roll.  
Q Can you read and write? A Yes, sir.  
Q You never saw the name? A Only what I wrote myself.  
Q What did you take that name from when you wrote it? A It was a custom of the kings--when Gabriel Jimmerson was elected town king -to make up a roll and he used me as a clerk at that time.  
Q Can Gabriel Jimmerson read or write? A No, sir.  
Q How did he use you in making that roll? A He got me to write the names of the towns.  
Q What did he take those names from? A From what he said; when he came to old man Drew's family Betsey, Malinda and I wrote the names.  
Q Are you careful in your work as a rule? A Yes, sir, try to be.  
Q When those names were told you did you write them down? A Yes, sir.  
Q You have no reason to believe you omitted any name have you? A I didn't finish up the roll.  
Q But the names given you, you put down? A Yes, sir.  
Q Who finished that roll? A We never completed it at all. I think Wiley McIntosh completed it. The one I started I have it home now.  
Q The list you made? A The list I started to make for Gabriel Jimmerson I have home now, I didn't complete the town roll. I think he got Wiley McIntosh to finish.  
Q Do you know from that copy? A No, sir.  
Q What authority had you for copying that? A He told me to copy it.  
Q Written in ink? A Yes, sir.  
Q Black ink? A I disremember but it was ink.  
Q Have you seen the roll lately? A Not lately but it is there.  
Q Is the ink faded? A It has been a good while since I looked. That must have been along in 84 or 5.  
Q Do you know who went before the council or proper authorities and had those names put down? A I don't know.  
Q You don't know who had the Drews or Higginbottoms put down? A I supposed that old man Drew managed that affair.  
Q Do you know that Thomas Higginbottom was ever recognized by the proper authorities? A No, sir.  
Q Don't you know that many persons appeared on those rolls who have no right there, don't you know that? A I don't know whether they have any right at all.  
Q Have you caused the name of people to be put on that roll yourself?  
A No, sir.  
Q Have you testified in citizenship cases? A I believe I have ; I think I have testified for old lady Betsey Higginbottom.  
Q Are you related to these people in any way? A No, sir.  
Q How much money did they offer you to testify in this case? A None at all.  
Q Did they say they would give you something to testify for them? A No, sir. One of them paid for my dinner.  
Q What positions have you held in the Creek Nation? A I am a member of the house of warriors.  
Q How long have you been a member? A 1885.  
Q Are you a member now? A Yes, sir.  
Q Have you ever been arrested? A Yes, sir.  
Q What were you arrested for? A Charged me with selling whiskey.  
Q Ever arrested for perjury? A Nothing only for whiskey and they never got a jury on me yet.

ATTY.

Q Do you hold an official position now in the Creek Nation? A I am a member of the council.

Q Are you now recently appointed one of the regents of the schools?

A No, sir

COMMISSIONER:

Q Is it an honor to be a town king? A I think it is.

ATTY.

Q Have you been employed here in the city? A Yes, sir

Q By whom? A For Muskogee Developing Co.

Q Who else? A A little business with Mr. Farr

Q What was the outcome of that whisky arrest? A Mr. Wheeler told me to go home and if they needed me they would send for me and they never sent for me.

Q Are you acquainted with Malinda Higginbottom? A Yes, sir

Q What relation to Thomas Higginbottom? A His sister.

Q Where was Thomas living when you first knew him? A Over here in Sodom.

Q Who living with? A With Ella McIntosh.

Q Why did you think he was a son of Betsey? A I judged that from what the old lady Betsey told me, I knew her a long time ago. I first knew her in '86 and was telling me all of her children.

Q State whether or not the council considered these names before they were placed on this roll which you say you placed the applicants names on? A I couldn't do that.

Q Did you have a council that you called the council of eighteen?

A That 18 committee--I wasn't a member of the council at that time.

Q Do you know whether or not this eighteen considered Thomas? A I

don't know that. I could tell what I heard. The 18 committee went

over all of them and when I was elected member of the council in '85

we went over the roll again; the council thought we had too many

people in our town. Wm McIntosh was town king then and in making up

the roll we had to gather the names as best we could. Gabriel

Jimmerson had one roll but he wasn't elected and of course he wouldn't

turn it over to Wm McIntosh and we went to work then and we bought

a book and in that book I think the Arkansas town numbered three

thousand people and on that book the name of Betsey appeared together

with these people. I am telling that but I didn't see it.

COMMISSIONER:

Q Did you hear that Thomas Higginbottom was on that roll? A I heard so.

Q Here is a record in the possession of the Commission authenticated showing the members or citizens of Arkansas town probably two thousand names. Do you recognize that as a copy of roll which you worked on in 1890? A I didn't look over the roll. I was a member of the committee.

Q Do you remember seeing these names, the names that appear on the first or second page of this book on the list that you were making for this man Jimmerson? A I can recollect some of these names.

Q You remember you saw them on that book? A Not on that book I spoke of now.

Q You were a member of the council at that time? A No, sir I was a member of the committee and I didn't look over the book.

I, Anna Garrigues, state on oath that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 24 day of May 1906.

*Anna Garrigues*  
Notary Public

Cr En 629  
HF-622

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 20, 1905

In the matter of the application for the enrollment of Gracie Johnson as a Creek Freedman.

Lizzie Higginbotham, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Lizzie Higginbotham.  
Q How old are you? A 29.  
Q What is your postoffice address? A My postoffice was Tullahassee; now Clarksville.  
Q Clarksville? A Yes, close to it.  
Q You came in on April 29 of this year and attempted to make application for the enrollment of Gracie Johnson? A Yes sir.  
Q Is that the child there? A Yes sir.  
Q What is the name of the father of the child? A Sam Johnson.  
Q Sam is a State man? A Yes sir.  
Q Not a citizen of any tribe of Indian Territory? A No sir.  
Q Are you enrolled as a citizen of any of the five civilized tribes? A I suppose I am.  
Q Do you know whether you are or not? A I couldn't positively say. Mr. \_\_\_\_\_ says I will be ready to file.  
Q You have application here, for enrollment, pending? A Yes sir.  
Q You just simply have an application pending? A Yes sir.  
Q Never been enrolled? A Not yet.

It appears from the records of this Office that an application for the enrollment of Lizzie Higginbotham is pending before this Office at this time.

- Q But you have never been finally enrolled in any tribe in Indian Territory? you have never got your deeds or certificate? A No sir.  
Q Any rights in the Creek Nation you may have are still pending? A Yes sir.  
Q What is the name of your father? A Thomas Higginbotham.  
Q The name of your mother? A Bessie Higginbotham.  
Q Name some of your brothers and sisters. A Indio J. Alex, Beatrice and Willie.

INDIAN TERRITORY, Western District

I, J. Y. Miller, a stenographer to the Commissioner to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Subscribed and sworn to before me this 21st day of September, 1905.

*J. Y. Miller*  
*Edw. C. Green*  
Notary Public.



8.8/3  
Creek No. 629

Muskogee, Indian Territory, December 10, 1904.

Benjamin Martin, Jr.,  
Attorney for Thomas Higginbottom,  
Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Thomas Higginbottom as a Creek Freedman, you are advised that the applicant will be allowed thirty days from date within which to submit additional evidence. If no further evidence be offered within that time, the case will be adjudicated upon the record now before the Commission.

Respectfully,

Chairman.

8819  
Creek Zn. 629

Muskogee, Indian Territory, December 10, 1904.

Thomas Wigginsbottom,  
Inola, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Creek Freedman, you are hereby notified that you will be allowed thirty days from date within which to submit additional evidence. If no further evidence be offered within that time, the case will be adjudicated upon the record now before the Commission.

Respectfully,

Chairman.

Register.

Or En 689

Muskogee, Indian Territory, May 23, 1908.

Thomas Higginbotham,  
Inola, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself and your children, Lizzie, Indie, Jake, Alex and Beatrice Higginbotham, and your grand-children, Pearl and Golden Harris and Willie Higginbotham, you are hereby notified that the Commission desires further evidence tending to show the exact ages of said Beatrice Higginbotham and Willie Higginbotham and the age of Golden Harris.

You are advised that you will be allowed fifteen days from date hereof within which to appear before the Commission, at its office, in Muskogee, Indian Territory, with at least two witnesses who can furnish such evidence.

Respectfully,

Chairman.

Register.

Or in 429

Muskogee, Indian Territory, May 23, 1905.

Martin & Sidney,

Attorneys for Thomas Higginbotham, et al.,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Thomas Higginbotham, et al., the applicant has this day been advised that he would be allowed fifteen days from date hereof within which to appear before the Commission, at Muskogee, Indian Territory, with at least two witnesses who can testify as to the exact ages of Bontrice and Willie Higginbotham and Seldon Harris.

Respectfully,

Chairman.

REFER IN REPLY TO THE FOLLOWING

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 20, 1906.

Chief Clerk,  
Creek Enrollment Division  
General Office

Dear Sir:

In the matter of the application for the enrollment of Thomas Higginbottom as a citizen of the Creek Nation, you are advised that Creek Land Contest No. 867 entitled Thomas Higginbottom contestant versus Rose Ida Gregory by her father and natural guardian Gilbert R. Gregory, contestee, has been held open pending the determination of said application.

As soon as this application has been finally passed upon by the Honorable Secretary of the Interior you will advise the Allotment Contest Division so that the contest above referred to may be disposed of in the regular way.

Respectfully,

Commissioner

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*En 629*

Powell, Geo. K.  
Muskogee, I.T.  
Oct. 31, 1906.

Asks status of citizenship  
of Thomas Higginbottom.

RECEIVED

*Answer 5 "1/2" Oct.*

LAW OFFICE  
GEORGE K. POWELL  
7-9 OULBERTSON BLDG.  
Telephone 194  
MUSKOGEE, IND. TER.

Oct. 31, 1906.

Commission to the Five Civilized Tribes,

Muskogee, I. T.,

Gentlemen:

I am in receipt of a letter from one Thomas Higginbottom, an applicant for citizenship, in the Creek Nation as freedman, requesting me to inform him of the status of his case. He informs me that the first hearing on his application was held something like two years ago; that the case was closed this last spring.

Kindly inform me of the status of this and oblige,

Truly yours,

*Geo K Powell*



Cr.En. 629.

Muskogee, Indian Territory, November 9, 1906.

George K. Powell,  
Attorney At Law,  
Muskogee, Indian Territory.

Dear Sir:

Receipt is acknowledged of your letter of October 31, 1906, requesting information as to the status of the Creek citizenship case of Thomas Higginbottom et al.

In reply you are advised that said case is pending in this office, and when final action is had in the matter the parties in interest will be duly notified.

Respectfully,

Commissioner.

Cr.Mn. 629

Muskogee, Indian Territory, December 19, 1906.

India Higginbottom,

Inola, Indian Territory,

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Enc.  
JCL.-12-3

Cr. No. 629

Muckagee, Indian Territory, December 19, 1906.

Thomas Higginbottom,  
Inola, Indian Territory,

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and your minor children, Jake, Aleck, Beatrice and Willie Higginbottom, and your minor grand-children Pearlle and Eldon Harrie as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Enc.  
JCL.-12-1

Commissioner.

Gr.No. 689

Muskogee, Indian Territory, December 19, 1906.

Lissie Higginbottom,  
Inola, Indian Territory,

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Enc.  
JOL-2-9.

Cr.En. 629

Muskogee, Indian Territory, December 19, 1906

Benjamin Martin, Jr.

Attorney for Thomas Higginbottom, et al.

Muskogee, Indian Territory,

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Thomas Higginbottom, et al, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Enc.  
JCL.-12-2.

Cr.En. 629

Muskogee, Indian Territory, December 19, 1906.

George K. Powell,

Attorney for Thomas Higginbottom, et al.

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Thomas Higginbottom, et al, denying said application.

The decision with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Enc.  
JCL-12-4

Commissioner.

Cr.En. 629

Muskogee, Indian Territory, December 19, 1906.

M. L. Mott,

Attorney for Creek Nation.

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Thomas Higginbottom, et al, denying said application.

The decision with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Enc. JCL-12-5.

Commissioner.



Cr. En. 629

Muskogee, Indian Territory, December 19, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Thomas Higginbottom, et al as Creek Freedmen, including the decision of the Commissioner, dated December 15, 1906.

Respectfully,

Commissioner.

Enc.

JCL-99.

Through the  
Commissioner of Indian Affairs.

I.T.D. 4810-1907  
LRS

DEPARTMENT OF THE INTERIOR,  
WASHINGTON. February 24, 1907

GR

Direct

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of February 21, 1907 (Land 111549-1906), copy whereof is inclosed, your decision of December 15, 1906, denying the application of Thomas Higginbottom for the enrollment of himself and his children, Lizzie, Indian, Jake, Alex and Beatrice Higginbottom, and for the enrollment of Willie Higginbottom, Pearl Harris, and Seldon Harris as Creek freedmen, is hereby affirmed.

You will notify applicants and their attorney of this action.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson  
Assistant Secretary

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A F Mc  
3 1 07

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON, February 21, 1907

Refer in reply to the  
following  
Land  
111549-1906

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Thomas Higginbottom, et al., as Creek freedmen, including decision of the Commissioner to the Five Civilized Tribes, dated December 15, 1906, adverse to the applicants.

The record shows that on August 15, 1904, Thomas Higginbottom appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself, his minor children, India, Jake, Alex and Beatrice Higginbottom, and his minor grandchildren, Willie Higginbottom, Pearl Harris and Seldon Harris, as Creek freedmen. The record shows that on the same date Lizzie Higginbottom appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a Creek freedman.

The evidence shows that Thomas Higginbottom was 49 years old at the date of the application herein, and that he is not identified on the roll of Creek freedmen made by J.W. Dunn prior to March 14, 1867, that Lizzie Higginbottom is an adult daughter

and that Indium, Jake, Alex and Beatrice Higginbottom are the minor children of Thomas Higginbottom, and that no claim is made that the mother of the children is a citizen of the Creek Nation; that Willie Higginbottom, Pearl Harris and Seldon Harris are the minor children of Annie Higginbottom, deceased, but no claim is made that the father of these children is a citizen of the Creek Nation; and that Annie Higginbottom, deceased, was the daughter of Thomas Higginbottom, and a non citizen.

The evidence further shows that none of the applicants herein, nor the mother of Willie Higginbottom, Pearl Harris and Seldon Harris, have ever been enrolled as citizens of the Creek Nation, nor have they been admitted to citizenship in the Creek Nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

Therefore, by reason of the provisions of the Act of Congress approved April 26, 1906 (34 Stat., L. 137), the Office concurs in the decision of Commissioner Bixby denying the enrollment of the applicants herein as Creek freedmen.

Very respectfully,

C F Larrabee  
Acting Commissioner

EBM LC

Cr.No. 629.

Muskogee, Indian Territory, March 11, 1907.

George K. Powell,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of February 28, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Thomas Higginbottom, et al., as Creek Freedmen.

Respectfully,

Commissioner.

Cr. No. 629.

Muskogee, Indian Territory, March 11, 1907.

Benjamin Martin, Jr.,

Attorney for Thomas Higginbottom, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of February 28, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Thomas Higginbottom, et al., as Creek Freedmen.

Respectfully,

Commissioner.

Cr. No. 629.

Muskogee, Indian Territory, March 11, 1907.

Thomas Higginbottom,  
Inola, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of February 28, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of yourself and children, Lizzie, India, Jake, Alex and Beatrice Higginbottom and for the enrollment of Willie Higginbottom, Pearl and Seldon Harris, as Creek Freedmen.

Respectfully,

Commissioner.



Cr.En. 629.

Muskogee, Indian Territory, March 10, 1907.

Chief Clerk,  
Allotment Contest Division,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the five Civilized Tribes, denying the application for the enrollment of Thomas, Lizzie, India, Jake, Aleck, Beatrice and Willie Higginbotham and Suldon and Pearly Harris, as Creek Freedmen, and that the parties in interest were duly notified of said departmental action March 10, 1907.

Respectfully,

Commissioner.

CR 150 630

CR 150 630

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 13, 1904.

In the matter of the application for the enrollment of Nancy McQueen, deceased, as a citizen by blood of the Creek Nation.

WILLIE McQUEEN, being duly sworn, testified as follows:  
APPEARANCES: M. L. Mott Atty. for Creek Nation:

By Commission:

- Q What is your name? A Willie McQueen.  
Q How old are you? A Thirty years old.  
Q What is your post office address? A Dustin.  
Q Do you make application for the enrollment of Nancy McQueen as a citizen by blood of the Creek Nation? A Yes, sir.  
Q Is she living or dead? A Dead.  
Q What is the name of her father? A I am the father.  
Q What is the name of her mother? A Muna McQueen.  
Q Is she a citizen of the Seminole Nation? A Yes, sir.

The records of the Commission examined and it appears that Willie McQueen is listed for enrollment on Creek Indian Card, Field No. 2674, and that his name is contained in the partial list of citizens by blood of the Creek Nation, approved March 28, 1902, No. 7781.

- Q Is Nancy McQueen living or dead? A Dead.  
Q When was she born? A May 25, 1900.  
Q When did she die? A September 15, 1901.  
Q How old was this child when she died? A About a year and a half.  
Q Was she living or dead when you filed on your land? A Dead I think.  
Q Do you remember about how long she had been dead? A Been dead ---1901---about four or five years.  
Q How long had she been dead when you filed on your land? A I don't remember now.  
Q She was dead when you filed do you remember? A Yes, sir.

The records of the Commission show that a citizenship certificate was issued to Willie McQueen January 16, 1902.

- Q Under what name is your wife enrolled in the Seminole Nation? A Muna Whitlow.  
Q Have you any other children living? A Got two living.  
Q You have two living? A Yes, sir.

The mother of the child, Nancy McQueen, is identified on the approved Seminole Roll, No. 1832.

By M. L. Mott:

- Q Who did you file when you come to be filed yourself? A No one.  
Q Why didn't you file for Nancy then? A I wanted to file for her over in the Seminole and some said I couldn't file and that is what kept me back.  
Q You thought you could file over there? A I didn't know whether I could file her over there.  
Q Did you try to file over there? A Yes, sir.  
Q When was that? A About a year ago. They said that they didn't allow dead children to file and that is what kept me back.  
Q You were told by the Commission that they didn't allow you to file? A It was a Seminole citizen that told me about that.  
Q Have you got any neighbors living close to you that knows when this child was born? A Yes, sir.

Nancy McQueen----2.

Q Who are they? A George Camard.

Q Any kin to you? A Brother-in-law.

Q Any that are not any kin to you that knows? A Yes, sir. Sunday Fife knows.

Q Is he any kin to you? A No, sir.

Q Can you get him here? A Yes, sir. The old lady that attended to my wife was to come but she didn't.

---ooo000ooo---

I, Drennan C. Skaggs, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 25 day of August, 1904.

Edward Kinnick  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Waleetka, I. T., November 7, 1904.

In the matter of the application for the enrollment of Nancy McQueen as a citizen by blood of the Creek Nation.

MUNA McQUEEN, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

Q What is your name? A Muna McQueen.  
Q How old are you? A About twenty-eight.  
Q What is your post office address? A Dustin.  
Q Are you a citizen of the Creek Nation? A I am a Seminole and have taken my allotment in the Seminole Nation.  
Q Did you have a child named Nancy McQueen? A Yes, sir.  
Q Is she living? A The child is dead.  
Q What is the name of the child's father? A Willie McQueen.  
Q When was Nancy born? A The child was born in the Spring--probably in May.  
Q When did she die? A She died in the Fall.  
Q How old was the child when it died? A I do not remember how old the child was but it could walk.  
Q How long has the child been dead? A I think it has been dead about three years.  
Q Have you any other children living? A I have one.  
Q What is its name? A Lizzie.  
Q How old is Lizzie? A She is about six years old.  
Q Have you selected land for Lizzie? A I understand that she was filed arbitrarily by the Commission.

GEORGE CANARD, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

Q What is your name? A George Canard.  
Q How old are you? A About forty-nine.  
Q What is your post office address? A Dustin.  
Q Did you know a child of Willie and Muna McQueen named Nancy? A Yes, sir.  
Q Is that child living? A It is dead.  
Q When was that child born? A The child was born on about the fourth of May but I do not remember the year.  
Q How long has it been since the child was born? A About four years.  
Q When did the child die? A The child died about three years ago.  
Q In what month did it die? A Sometime in September--I do not remember the year.  
Q Are you positive of this? A Yes, sir.  
Q How old was the child when it died? A The child was over a year old.  
Q Had you filed on your land when the child died? A I think the Commission had filed me when the child died.  
Q Have Willie and Muna McQueen any other children? A They have one.  
Q What is the name of that child? A Lizzie.  
Q How old is she? A About six years old.  
Q Which was born first, Nancy or Lizzie? A Lizzie was born first.  
Q How old was Lizzie when Nancy died? A I think Lizzie was over two years old.

MUNA McQUEEN, being recalled, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

Q How old was Lizzie when Nancy died? A I do not know how old she was.

Q Could she walk or talk? A She could both talk and walk well at the time of Nancy's death.

Q Did your husband execute an affidavit relative to the birth and death of Nancy? A Yes, sir.

Q Are the dates as to the birth and death of Nancy given in that affidavit correct? A Yes, sir.

Q Was there any record made of the birth and death of Nancy? A I think that my husband entered the record in a book.

Q Have you that book at home? A Yes, sir.

Q Were the dates as given in the affidavit taken from the record in that book? A I think the dates given in the affidavit were transcribed from the record in the book which I have at home.

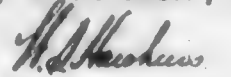
The witness is advised to present the book containing the record of the birth and death of Nancy to the Commission for inspection.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.



Subscribed and sworn to before me this 15 day of November, 1904.

  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Weslsetka, I. T., November 10, 1904.

In the matter of the application for the enrollment of Nancy McQueen as a citizen by blood of the Creek Nation.

WILLIE McQUEEN, being duly sworn, testified as follows:

BY COMMISSION:

- Q What is your name? A Willie McQueen.  
Q How old are you? A Thirty.  
Q What is your post office address? A Dustin.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q What town do you belong to? A Thlephthlecca.  
Q Have you a deceased child named Nancy? A Yes, sir.  
Q When did that child die? A September 15, 1902.  
Q When was the child born? A May 25, 1900.  
Q You have given testimony in this case before have you? A Yes, sir.  
Q Have you a record of the birth and death of this child? A Yes, sir.  
Q Did you say the child died September 15, 1902? A Yes, sir. It was 1901, I made a mistake on that.  
Q When was it born? A May 25, 1900.

THE applicant presents for the inspection of the Commission a Bible in which are recorded the dates of the births and deaths of various persons, among which the following record relative to the birth and death of Nancy McQueen, written in pencil, is found:

"Nancy McQueen was born May 25, 1900."

"Nancy McQueen died September 15, 1901."

The record relative to the birth of Nancy McQueen appears on one page and the record relative to her death at the bottom of the next page. (Below the margin)

Q When did you make this record relative to the birth of your child, Nancy? A The next day after she was born. I most generally put the record down before I forget the date and I put the record of her death down the next day after she died. (The entry in regard to the death of Nancy McQueen, appears, very plainly, to have been written at a recent date.)

Q Is this the only record you ever made of the death of Nancy? A Yes, sir.

Q And you never had this written down some where else and then wrote it in here? A No, sir.

---00000000---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 18 day of November, 1904.

*D. C. Skaggs*  
*J. H. Campbell*  
Notary Public.



En caso 630

IN RE

THE DEATH OF

*Nancy McQueen*

a citizen of the

*Creek*

Nation.

Approved

190

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

*September 1, 1904*

CHADMAN

**DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

In the matter of the death of Nancy McQueen  
 a citizen of the Creek Nation, who formerly resided at or near  
Austin, Ind. Ter., and died on the 15<sup>th</sup> day of  
September, 1901.

**AFFIDAVIT OF RELATIVE.**

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western District.  
 I, William C. McQueen, on oath state that I am 30  
 years of age and a citizen, by blood of the Creek Nation;  
 that my postoffice address is Austin, Ind. Ter.; that I am  
father of Nancy McQueen  
 (State relationship as the father, or mother, or cousin, etc.) (Here insert name of deceased)  
 who was a citizen, by birth of the Creek Nation;  
 and that said Nancy McQueen died on the 15<sup>th</sup> day of  
September, 1901. William C. McQueen

WITNESSES TO MARK:

(Must be Two Witnesses.) { Sunday Tribe  
R. B. Utter

Subscribed and sworn to before me this 30<sup>th</sup> day of August, 1901.

My Com. Expires  
Aug 16<sup>th</sup> 1906

J. P. Boyle  
 Notary Public.

**AFFIDAVIT OF ACQUAINTANCE.**

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western District.  
 I, George Canard, on oath state that I am 39  
 years of age, and a citizen by blood of the Creek Nation;  
 that my postoffice address is Austin, Ind. Ter.;  
 that I was personally acquainted with Nancy McQueen  
 (Here insert name of person) (Here insert name of deceased)  
 who was a citizen, by birth of the Creek Nation;  
 and that said Nancy McQueen died on the 15<sup>th</sup> day of  
September, 1901. Geo Canard

WITNESSES TO MARK:

(Must be Two Witnesses.) { Sunday Tribe  
R. B. Utter

Subscribed and sworn to before me this 30<sup>th</sup> day of August, 1901.

My Com. Expires  
Aug 16<sup>th</sup> 1906

J. P. Boyle  
 Notary Public.

En. 630.

J. D.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-10:-

In the matter of the application for the enrollment of Nancy MoQueen, deceased, as a citizen by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on August 13, 1904, Willie MoQueen appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his minor child, Nancy MoQueen, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had November 7, and November 10, 1904.

The evidence shows that said Nancy MoQueen, deceased, was born May 29, 1900, and that she died September 15, 1901.

The evidence further shows that said Nancy MoQueen, deceased, was the minor child of Willie MoQueen and that the name of said Willie MoQueen is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 25, 1902, Roll Number 7781.

It is, therefore, the opinion of the Commission that said Nancy MoQueen, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress March 1, 1901 (31 Stats., 861), and June 28, 1902 (32 Stats., 800), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

JUN 14 1905

Creek 630

Muskogee, Indian Territory, June 26, 1905.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Nancy McQueen, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to file protest against said decision, and if, at the expiration of that time no protest has been filed, said Nancy McQueen, deceased, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

AG-26-1

Chairman.

✓  
Or En 630

Muskogee, Indian Territory, October 25, 1905.

Willie McQueen.

Dustin, Indian Territory.

Dear Sir:

You are hereby advised that the name of your deceased minor child, Nancy McQueen, is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior October 17, 1905, and that application by the legal representative for the heirs of said child for a selection of land in the Creek Nation may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 631

CR EN 631

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 15, 1904.

In the matter of the application for the enrollment of Leona Edwards, deceased, as a Creek Freedman.

APPEARANCES: M. L. Mott Attorney for Creek Nations

PHILLIS ROBINSON, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Phillis Robinson.  
Q How old are you? A Thirty-four.  
Q What is your post office address? A Twine, I. T.  
Q What is your name before it was Robinson? A Phillis Edwards.  
Q Do you make application for the enrollment of Leona Edwards as Creek Freedman? A Yes, sir.  
Q Are you the child's mother? A Yes, sir.  
Q What is the name of her father? A Peter Edwards.  
Q Is he living or dead? A Living.  
Q Have you and Peter separated? A Yes, sir.  
Q How long you been separated? A Three years.  
Q The child is dead is it? A Yes, sir.  
Q Was the child dead before you separated? A Yes, sir.  
Q The child died before you separated? A Yes, sir.

The records of the Commission show that Peter and Phillis Edwards are listed for enrollment on Creek Freedman Card, Field No. 1016, and that their names are contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior, March 28, 1902, Nos. 3829 and 3830, respectively.

Q When was Leona born? A June 20.  
Q What year? A 1900.  
Q Did you make a record of the date of the birth of the child? A Yes, sir.  
Q What did you write it down in? A In a Scripture Book.  
Q Have you that with you? A No, sir.  
Q Is it written with pen or pencil? A Pencil.  
Q What color? A Black.  
Q Who wrote it? A I did.  
Q When did you write that down about the birth? A A day or two after he was born.  
Q How long did that child live? A Until the 6th of July.  
Q What year? A 1900.  
Q Did you make an entry about the date of its death? A Yes, sir.  
Q What did you make that with, pen or pencil? A Pencil.  
Q How long were you in bed after that child was born? A In bed two weeks.  
Q Have you any brothers or sisters that are enrolled? A Yes, sir.  
Q What is the name of one of them? A Ceaser Morrison.  
Q Has he any children? A Yes, sir.  
Q Has he any about the age of that one? A I hardly think he has.  
Q Has Ceaser Morrison got a child named Joseph? A Yes, sir.  
Q Is that child younger or older than your child? A I can't say exactly.  
Q How far does he live from you? A About three miles.  
Q Don't you know whether his child was born before or after your child. You ought to know that? A I couldn't say positively whether it is or not. I don't know exactly the year his child was born.



Leona Edwards, ---2.

Q I wasn't asking you the year it was born. I asked you whether your child was born first or not? A I don't know.  
Q Have you got a sister living? A Yes, sir.  
Q Is she married? A Yes, sir.  
Q Has she any children? A One boy.  
Q What is her name? A Ohule Ann Davis.  
Q How old is that child of hers? A Between 17 and 18.  
Q Have you another brother? A Yes, sir.  
Q What is the name of one of them? A Rubin Morrison.  
Q Have you ever made out any birth or death affidavit for this child? A No, sir.  
Q What is the reason you have not applied before now? A I didn't really understand that I could.  
Q When did you find out that you could? A Just a few days ago.  
Q Who told you? A My husband.  
Q What is his name? A Bob Robinson.  
Q Is he a citizen? A Yes, sir.  
Q Have you got the record of the births and deaths of your family all written in that Scripture Book? A Not all of them.  
Q Got several of them in there? A Yes, sir.  
Q Have you got any of them written in there since the death of Leona? A Have a birth.  
Q That is a younger child is it? A Yes, sir.  
Q What is that child's name? A Manuel.  
Q When was he born? A May 8.  
Q What year? A 1903.  
Q Have you a child named Ethel? A Yes, sir.  
Q When was she born? A May 8, 1897, I think.  
Q Have you two children born on the eighth day of May? A Yes, sir.  
Q Have you a child named Jackson? A Yes, sir.  
Q When was he born? A November 15, 1895, I think.  
Q Have you any other children dead except Leona? A Yes, sir.  
Q What one is dead? A Marion and Margrett.  
Q When did they die? A I can't tell you exactly without the book.  
Q How long after the death of Leona did you write that down in the book? A A day or two after the death.

By M. L. Mott:

Q What was your husband's name? A Bob Roberts.  
Q This child's father is named Edwards? A That was my first husband.  
Q Have you been divorced? A Yes, sir.  
Q In the Court? A Yes, sir.  
Q Which Court? A This Muskogee Court.  
Q When was that? A About three years or better.  
Q Three years or better? A Yes, sir.  
Q You been married how long this time? A About two and a half.  
Q Your husband an enrolled citizen is he? A Yes, sir.  
Q He never told you about this till about two days ago? A I said several days.  
Q What do you mean by several. About a week ago? A Not that long.  
Q He never told you about it until about two or three days ago? A Yes, sir.  
Q Been married two and a half years? A Yes, sir.  
Q Got any other children enrolled? A Yes, sir.  
Q All enrolled? A Yes, sir. All that is living.  
Q Where is the mid-wife to this child's birth? A She is out here in the hall.  
Q You put this down the first or second day after the child was born? A Yes, sir.  
Q What did you do that for. You wasn't able to get up in two or three weeks. What was the necessity of putting it down in your sick condition. Why did you think it was necessary to put this down the first or second day after he was born? A I done all my children that way.

Leona Edwards--5.

Q Why do you do that? A I just like putting it down.  
Q You were weak were you not? A Not very.  
Q How wasn't you? A Yes, sir.  
Q You were sick two weeks wasn't you? A Was able to sit up in bed.  
Q Couldn't you wait two weeks? A I just didn't want to.  
Q That is put in a Bible is it? A Scripture Reading Book.  
Q You put it in there? A Yes, sir.  
Q In your hand writing? A My husband wrote some.  
Q Which husband? A My first husband.  
Q All in pencil? A Some in ink.  
Q How come your husband to say nothing about this until three or four days ago? A I don't know whether he really understood it or not.  
Q What reason did you think you couldn't enroll it? A I didn't understand it.  
Q You enrolled some that was dead didn't you? A No, sir.  
Q Have you got any that died before this? A No, sir.  
Q Didn't you make application for them? A No, sir. I haven't.  
Q Didn't you try to get them enrolled when you enrolled the others? A No, sir. I didn't try. They said I couldn't.  
Q Why? They said they was dead and I couldn't enroll them.  
Q Because they died to soon or what? A They died before the Land Office opened up.  
Q You knew that did you? A I knew that after they told me.  
Q On what day did this child have to be living for you to enroll him? No response.  
Q It had to be living at a certain time didn't it. What day was that it had to be living on. It died on a certain day and was born on a certain day and every child that is enrolled has to be living on a certain. What day is that? A July 1.  
Q You knew that when I first asked you the question? A No, sir. I didn't really understand it.  
Q How long had you and your first husband been separated when this child was born? A We were together when the child was born.  
Q You were living together? A Yes, sir.  
Q When did you separate? A We separated that coming Fall.  
Q How long after this child was dead before you and your first husband separated? A We separated that coming Fall.  
Q You were living together when it was born and died? A Yes, sir.  
Q Where is he? A He is out here. (pointing toward the hall)  
Q Your first husband? A Yes, sir.  
Q Your second husband too? A Yes, sir.  
Q Did you talk to them both about it? A Yes, sir. My first husband is my witness.  
Q Is your first husband and second husband friendly? A Yes, sir.  
Q You and him friendly? A Yes, sir.  
Q Does he visit you? A He was there once.  
Q Are they both here to-day? A No, My last husband hasn't got anything to do with it.  
Q They are both here? A Yes, sir.  
Q Which husband was it told you about this? A My husband now.  
Q Your last husband? A Yes, sir.  
Q When did you see the other husband last before this time? A I saw him to the church and saw him in town once and saw him about a week ago.  
Q Did you go to him and tell him you wanted him as a witness? A Yes, sir. I told him I thought I could file the child.  
Q He didn't say anything about it? A Once before he said something about it.  
Q When was that? A Last summer.  
Q What did he say then? A Thought I couldn't file.  
Q That was a year ago? A Yes, sir.  
Q You did know then a year ago that you could file? A No, I didn't know.  
Q You say he told you about it? A Yes, sir. He told me about it.

Leona Edwards---4.

Q You told Mr. Beavers that you didn't hear of it? A I said I didn't know I could file. I didn't say I no nothing about it.  
Q Why did you say you didn't know anything about it at all? A I didn't know I could file.  
Q You say now your first husband told you a year ago that you could file? A He said he thought I could file.

PETER EDWARDS, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Peter Edwards.  
Q How old are you? A Forty.  
Q What is your post office address? A Muskogee.  
Q Do you know Phillis Robinson? A Yes, sir.  
Q Was she formerly your wife? A Used to be.  
Q Did she have a child named Leona? A Yes, sir.  
Q The child is dead is it? A Yes, sir.  
Q How long that child been dead? A About five years.  
Q Are you positive of that? A Yes, sir.  
Q You are positive the child has been dead five years? A Yes, sir.  
Q You remember of coming here and filing on the land for yourself an family? A Yes, sir.  
Q Was that child born at that time? A Yes, sir.  
Q The child was born then was it? A Born after I filed.  
Q How long after was it? A A year after I filed. I filed in '99.  
Q How old was that child when it died? A One or two days old. As near as I can come at it.  
Q Was it as much as a week old? A I don't suppose it was. Might have been.  
Q Do you know what day that child died? A 6th of July.  
Q What year? A 1900.  
Q Are you positive that it was less than a week old when it died? A I aint positive exactly. I didn't take no particular notice but I think it was over a week old.  
Q You just said it was not over two or three days old? A I don't know. Near as I can come at it about a week and a half maybe.  
Q Are you positive that it was not more than a week and a half old? A Not positive but that is as near as I can come at it.  
Q Are you positive it died five years ago? A Yes, sir.  
Q Do you know the time that child was born? A Yes, sir.  
Q When was it? A June 20.  
Q How many days from June 20th to July 6th? A -----16 days.  
Q I don't see much about that. You say it was, first two or three days and then get up to a week and a half and then up to 16 days?  
No Response.  
Q I want you to be carefull about your statements. If the child is entitled to enrollment we want to enroll it but if it is not we don't want to enroll it, and you get things tangled up this way we don't know what to do with it. I want you to think about it, as to how long this child has been dead. Are you positive that this child has been dead five years? A Yes, sir.

By M. L. Mott:

Q Have you and your wife been talking about this matter? A When.  
Q Since you and her separated? A Yes, sir.  
Q When was that? A She told me about it about last year I think it was.  
Q Did she tell you about it or did you tell her about it? A She told me about it.  
Q You come to her or she come to you? A She come to me.  
Q What did she tell you about it? A She said she thought she could get it on the roll.  
Q Has she spoke to you about it since? A No, sir. Not until the other day.

Leona Edwards--B;

Q What other day? A Here last Saturday or Friday.  
Q Who spoke to you or you to her? A She spoke to me.  
Q What did she say? A She said she was going to put it on the roll and couldn't do it without my assistance.  
Q She spoke to you both times? A Yes, sir.  
Q Who is entitled to this allotment, the child being dead, you or your wife? A Its father and mother I suppose.  
Q What is your information about it? A One aint no claim over the other.  
Q If one gets it for life which comes first you or your wife? A The father I guess.  
Q You know that? A I don't know but I think so.  
Q Do you know the birth of any of your other children. What other children have you got? Louisa.  
Q What is the oldest one you got? A Louisa.  
Q When was she born? A March 16.  
Q What year? A I forget exactly what year. The date of the month was the 16th of March.  
Q What is the next ones name? A Jackson.  
Q What is the date of its birth? A November 7.  
Q What year? A 18--18--18--18.  
Q What is the next ones name? A Ethel.  
Q What is the date of her birth? A Let me see--May 7.  
Q What year? A 18--18--18--18.  
Q What is the name of the next one? A That is all besides this one we were talking about.  
Q You got any dead? A That is all.  
Q Have you married again? A No, sir.  
Q Are you positive about the dates? A Yes, sir.  
Q Did you put down the birth of this child, Leona, any where? A I did at that time. It has been so long I can't tell when it was.  
Q Who told you to put it down? A No one.  
Q What did you put it down in? A On a book.  
Q Scripture Book? A No, sir, Memorandum book.  
Q How soon after the birth did you put it down? A About a month afterwards I guess.  
Q Did you file that away any where? A No. I don't know where it is now it has been so long.  
Q That the only record you had of it? A Yes, sir.  
Q Did you wife make any record? A I don't know, sir.  
Q Did you ever hear her say she did or not? A No, sir.  
Q You ever hear her say whether she made any record of the death or not? A No, sir.  
Q Did you tell her that you made a record of it? A I suppose she knowned it we were together.  
Q Did you tell her about it? A No, sir.  
Q Did you talk about it here lately? A No, sir.  
Q Was you at home the day the child was born? A Yes, sir.  
Q Were you there the next day? A Yes, sir.  
Q Were you there several days after? A Yes, sir.  
Q Was your wife able to put it down? A She was able to if she wanted to.  
Q Was she unusually sick? A She was in bed.  
Q Why didn't she put it down? A I didn't ask it. She didn't feel like writing I guess.  
Q Wasn't she able to write? A Yes, sir.  
Q Why didn't you get her to put it down? A I just thought if I put it down that was enough.  
Q You said you didn't put it down until a month after? A Well that would be all right.  
Q Did you tell her that you put it down? A No, sir.  
Q Did she know you put it down? A I suppose.  
Q Did she put it down the first day? A I don't know.  
Q Did any one put it down the first day? A I don't know.



Leona Edwards---8.

Q Did any one put it down? A I don't know. There was no one there.  
Q Where was the mid-wife? A I mean after it was over.  
Q If that was put down before you put it down would you have know  
it? A No, sir. Not unless they had told me.  
Q Would you have known it the first day? A If anyone had put it  
down then I would have known it.  
Q Were you there the second day? A Yes, sir.  
Q If any one had put it down the second day would you have known  
it? A Yes, sir.  
Q Were you and your wife there all the time? A Yes, sir.  
Q Have you a Scripture Book at home? A Did have.  
Q Have you the births of any of your children in it? A Got the  
records of the oldest children.  
Q Is it a Bible? A No, sir. Just an old register of the Sunday  
School.

By Commission:

Q Have you any agreement or understanding with any person that if  
you were willing to let them have part of this allotment provided  
you get this child enrolled? A No, sir.

By M. L. Mott:

Q Have you and your wife talked about that? A Yes, sir. We talked  
about it in this way. She said she would like to get it enrolled.  
Q Haven't you talked about it as to who should have this land? A I  
don't know as we did.  
Q Didn't you say anything about that. Think before you answer and  
see if you didn't have some talk about that? A Friday---let me see  
I am thinking now about what she told me Friday-----I believe she  
told me Friday that as I was the father of the child I would be the  
next heir.  
Q How was your understanding about how it was to be divided? A We  
didn't make no agreement about that. Of course if she has sold the  
land I will get a part of it.  
Q She agree to give you a half of it? A Some of it.  
Q How much? A Didn't make no agreement about how much. I was  
entitled to so much of it.  
Q Did she say you would get what you were entitled to? A Didn't  
make no arrangement about that.  
Q Said she would give you some of it? A Yes, sir.  
Q She told you that she would give you some of it if you would come  
as a witness here? A No, sir. I would come without it.

Jane Roberts, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Jane Roberts.  
Q How old are you? A About forty-nine.  
Q What is your post office address? A Twine.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q Do you know Phillis Robinson? A Yes, sir.  
Q Do you know Peter Edwards? A Yes, sir.  
Q How long have you known them? A All my days.  
Q Are they any relation to you? A I and Phillis is first cousins.  
Q Have you any children married? A Two.  
Q Is Annie married? A Yes, sir.  
Q How long has she been married? A This April a year ago.  
Q Have you any older than her married? A Yes, sir.  
Q Who is it? A Mary Alice.  
Q Is her husband named William? A Yes, sir.  
Q Has Mary a child named William Crawford? A Yes, sir.  
Q Any children younger than that? A Yes, sir.  
Q What is the name of the one next to William? A Clifford.  
Q When was Clifford born? A They live out at Bristow. I don't know  
when it was born.

Leona Edwards---7.

Q Do you know a child of Phillis Robinson named Leona Edwards? A Yes, sir.

Q The child is dead is it? A Yes, sir.

Q How long has it been dead? A I haven't got it, it would be four years this year--this June---this July.

Q How old was that child when it died? A It lived to the 6th of July.

Q Well, how old was it when it died? A I ain't keeping no account of the days of weeks since the child died. I waited on her but you can tell from the time he was born until he died.

Q How did you know the child died on the sixth of July? A We were living close together.

Q Do you know when your children were born? A Yes, sir, all that is living.

Q Can you tell the dates of when they died? A I didn't keep no account of my children when they died.

Q How is it you kept the account of Phillis's when you didn't keep the account of your own? A Of course I know when her child died.

Q How is it you keep the date of her child? A No, sir.

Q Did you set down the date that Phillis's child died? A No, sir.

Q I want to know how you can tell the exact day that Phillis's child died and you can't tell when your own died. Do you take more account of your neighbor's children than you do of your own? What day of the week did that child die? No response.

Q Did you know? A I don't know the day of the week, but I know the day of the month.

Q You haven't answered the other question. I am not trying to tangle you up. Do you pay more attention to your own family than you do your neighbors? A Yes, sir. My child born dead and I didn't take no date of it.

Q Have you got only one dead? A Got two dead. They didn't have no names and I didn't keep no account of them.

Q How old was that child, Leona, when that child died? A You can count yourself from when the child was born to the time it died.

Q When was it born? A 20th of June and lived to the 6th of July. You can count that yourself.

Q Were you present when that child was born? A Yes, sir.

Q What day of the week was it born on? A I don't know the day of the week and to tell you the truth.

Q Did you set down in a book or on a piece of paper the day that child was born? A No, sir, I didn't set down none of them. I can't write.

Q When was your child, Mary, born? A I don't know. She is thirty years old.

Q Do you know the day of the month? A It was the 10th of June.

Q You have a child named Charles Henry? A Yes, sir.

Q When was that child born? A I don't know. He is a great big boy I don't know how old that child is.

Q Has Mary a child named Bertha Lee? A Yes, sir.

Q Do you know when she was born? A No, sir.

Q Has Phillis a child named Ethel? A Yes, sir.

Q Was you present when that child was born? A Yes, sir.

Q When was it born? A Born in May but I don't know what day.

Q Phillis had a child named Jackson? A Yes, sir.

Q Were you present when that child was born? A Yes, sir.

Q When was that child born? A I don't know. God knows the truth and I am telling it.

Q How is it that you can tell the date of the birth and death of this child here and you can't tell at all of the others I asked you about? A You ask me all these questions to catch me in a lie.

Q I don't want to catch you in a lie. I want to know why it is you can tell it? A I wasn't a witness for the others and I can't tell.

Q Have you talked this matter over with Phillis here lately? A No, sir. She come in and told me that she wanted me to witness on it.

Leona Edwards--48.

Q Did you and Phillis at that time talk about the time the child was born? A This morning.  
Q At any time? A We didn't talk about the date.  
Q Did you talk about the date the child died? A Yes, sir. We talked about the date.  
Q What was said about it? A She just wanted to know what year so as to have it straight to come down here.  
Q Do you read and write? A No, sir. I don't write. I read a very little.

My M. L. MOTT!

Q Did you put the birth of this child down when you were there? A No, sir.  
Q How many days were you there? A I go once a week.  
Q Well when this child was born? A I stayed all night.  
Q And then went away? A Yes, sir. The next morning.  
Q Then you went back there again, when? A Yes, sir. I went back in about two days to see to her.  
Q What did she tell you when she went out of here just now. She was talking to you when I was examining her husband. What did she tell you--anything? A No, sir.  
Q Did she say a word about that? A I aint going to swear no lie.  
Q You swear that she didn't say anything about what was said in here? A She said something about some of the questions.  
Q Did she tell you when it was born? A No, sir.  
Q Did she tell you that she put it down? A No, sir.  
Q She never said anything about it to you? A She never did tell me about having it down.  
Q Did you and her have any talk about when the child was born? A No, sir.  
Q This is the only child that you know of that you can tell the date of the death? A No, sir, I don't know. I didn't keep the dates of no children.  
Q This is the only child that has ever died in the world that you know of that you can fix the time that it died isn't it? A No more of Phillis's.  
Q Any child in the world? A No, sir. I didn't keep the date of no one's child.  
Q You didn't put this down did you? A No, sir.  
Q You didn't put down the day it was born? A No, sir. I can't write.  
Q The only reason you have for recollecting it is because you know it? A Yes, sir.  
Q Are you a general mid-wife. Is that your business? A No, sir. I don't go around much. I go when they call me.  
Q I believe you told Mr. Heavers you didn't know the date your own child died? A Yes, sir. My children died a long time and I don't know.  
Q You don't know the date? A No, sir.

DOO DANIELS, being duly sworn, testified as follows:

By Commissioner:

Q What is your name? A Doo Daniels.  
Q How old are you? A Fifty.  
Q What is your present office address? A Muskogee.  
Q Are you a citizen of the Creek Nation? A No, sir. My wife is.  
Q What is her name? A Margarette Daniels.  
Q Is she a citizen of the Creek Nation? A Yes, sir.  
Q Is she a Creek Freedman? A Yes, sir.  
Q How long have you been married to her? A Six years or seven.  
Q Have you any children? A No, sir.  
Q Do you know Peter Edwards? A I am acquainted with him.  
Q Do you know Phillis Robinson? A Yes, sir.  
Q How long have you known her? A Ten years.



Leona Edwards---9.

Q How long have you known Peter? A Same time.  
Q Do you live near them? A Yes, sir. From a half to a mile all the time.  
Q Do you know a child of their's named Leona? A Yes, sir.  
Q Do you know a child of their's named Ethel? A Yes, sir.  
Q Is Ethel living or dead? A She was at home this mornning.  
Q Is Leona living or dead? A It is Louisa isn't it.  
Q I am asking you if you know a child of their's named Leona? A I don't recollect any of that name.  
Q You know Ethel do you? A Yes, sir.  
Q Did they have a child born after Ethel was born? A Yes, sir.  
Q What was that child's name? A I never did ask them.  
Q Do you know when that child was born? A I certainly do.  
Q When was it born? A It was born on a Wednesday night, on the 20th day of June.  
Q How long did that child live? A He died July 6.  
Q When was Ethel born? A I don't recollect.  
Q Why is it you remember about this child and you don't Ethel? A When she was sick my wife and I was to go over there to let them know how it was and I failed to go and the next night was Wednesday night and the baby was born.  
Q Why is it you remember that? A On account of the moon. We got to talking about the moon. We said we would go with the moon and then she said the moon was about full and I said no it was on the quarter and you look and you will see the moon is on the last quarter on the 19th.  
Q Your wife waited on Phillis when Ethel was born didn't she? A No, sir, not my wife.  
Q You say your wife attended on Phillis? A No, sir. She wanted me to go over there and see about her.  
Q How old was that child when it died? A It was born the 20th---died about the 6th or 7th of July---I recollect it was after the 4th of July.  
Q How many years has it been since the child died? A It has been four years aint it. As near as I can come at it, it was the year 19 and this is 1904.

By M. L. MOTT:

Q What day of the month did the moon quarter after that quarter? A That was the last quarter.  
Q On the next time? A I didn't pay any attention to it.  
Q What has the moon got to do with the birth of a child? A Some say a girl will be born on the first quarter and some say it is on t a full moon and that is how we come to be talking about it.  
Q Have you any children living? A Got three living. Nine dead.  
Q Do you know the quarter of the moon on which they were born? A Some of them.  
Q Why don't you know all of them? A I never paid attention to it.  
Q What ones? A The oldest boy.  
Q What day of the month? A My oldest boy was born on the 5th day of September.  
Q How old is your youngest child? A If she lives to see the 6th day of next July she will be 16 years old.  
Q Is she enrolled? A No, sir. She didn't belong. Me and my Creek wife didn't have any children. This girl was born in Arkansas.  
Q Have you and these people talked about this thing? A No, we haven't. Only they asked me if I recollect when that child was born and I told them yes.  
Q Didn't ask you anything about the ~~date~~<sup>death</sup>? A No, sir. Asked me did I know when it was born.  
Q Didn't ask anything about the ~~date~~<sup>death</sup>? A No, sir.  
Q Didn't they ask the date? A No, sir.  
Q They didn't ask you if their idea didn't agree with yours? A No, sir.

Leona Edwards---10.

Q They asked you if you knew the day she was born and the day she died and you said yes? A No, sir: They asked me if I knew the day it was born and I said yes.  
Q And you never have said or told them on what date that child died?  
A No, sir.  
Q You didn't tell them when they asked you? A No, sir:  
Q You never told it until you told it here? A No, sir:  
Q When did they ask you to come down here? A It was Thursday:  
(this day is Monday)  
Q When did they ask you if you knew the day it was born? A It was all done right then. She said did I know when that baby was born and I said yes and that was all that was passed:  
Q Did she say anything about the death? A No, sir:  
Q They haven't said anything more about it here to-day? A No, sir:  
Q Did you come here with them? A No, sir:  
Q You have been with them right there in the hall haven't you? A Yes, sir.  
Q They didn't say anything about the date then did they? A No, sir: Wasn't nothing said of it. If they had asked me I would have told them.  
Q Did you say you wife was kin to Phillip? A Yes, sir:  
Q You had not talked of this thing from the time it happened until she spoke to you last Friday? A Yes, sir, talked about it lots of times.  
Q Did they talk to you about it? A No, sir: Nobody has said anything to me about it.  
Q That has been four years ago? A Close on to that: That was in and I know this is 1904.  
Q Have you looked at the Almanac? A No, sir:  
Q How long since you looked at the Almanac? A Last Saturday:  
Q How far back did you look? A To the 10th of August:  
Q Did you look back to 1900? A No, sir:

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I, Drennan C. Skaggs, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date:

Drennan C. Skaggs

Subscribed and sworn to before me this 26 day of August, 1904:

E. J. Skaggs  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 22, 1904.

Supplemental testimony

In the matter of the application for the enrollment of Leona Edwards, deceased, as a Creek Freedman.

Phyllis Robinson being duly sworn testified as follows:

Examination by the Commission:

Q State your name, age and post office address. A Phyllis Robinson.  
Q You are the same person that made application here for the enrollment of Leona Edwards, are you? A Yes sir.

The witness presents for the inspection of the Commission a book entitled "Bible Reading for the Home Circle" and there is found therein what purports to be the record of dates of birth and death of various persons.

Q I find here what purports to be the record of the birth of Leona Edwards; who wrote that in there? A Me.  
Q When did you write this in here about her death? A Several days after he died.  
Q When did you write this in here about her birth? A Several days after she was born.  
Q You didn't do all this writing at the same time? A No sir, I didn't.  
Q I find here an entry referring to the birth of Manuel Roberson; who wrote that? A I did.  
Q When did you write that? A Several days after he was born.  
Q You mean within a few days? A Yes sir.  
Q I find above these entries some entries about the Edwards family; who wrote that? A My first husband.  
Q Did you intend that for the character "A"? A Yes sir.  
Q When did you put that there? A After it died.  
Q I find here the word "Leona"; it appears as if there had been something first written there and erased and the word "Leona" written over that.  
A That's something that my first husband wrote there.  
Q What was it that he wrote? A No sir, I can't tell what he wrote.  
Q I will have you to write on this piece of paper just what you have written here- - (dictating) "Leona Edwards born June 20, 1900 and died July 24, 1900"; (the applicant writes the same words that are found in the book heretofore referred to relative to the birth and death of Leona Edwards, and it is clear that the present writing and that found in the book are by one and the same person.

Henry G. Waine being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic

notes in said case.

Henry G. Hains.

Subscribed and sworn to before me this 25 day of September, 1904.

H. C. Martin Jr.  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Leona Edwards, deceased, as a Creek freedman.


DECISION.

The record in this case shows that on August 15, 1904, Phillis Robinson appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Leona Edwards, deceased, as a Creek freedman.

Further proceedings were had August 28, 1904.

The evidence shows that said Leona Edwards, deceased, is the child of Peter and Phillis Edwards, whose names are contained in the partial list of Creek freedmen, approved by the Secretary of the Interior March 20, 1904, Roll Numbers 1820 and 1822 respectively; that said Leona Edwards, deceased, was born June 20, 1900, and died July 6, 1900.

It is, therefore, ordered and adjudged that said Leona Edwards, deceased, is entitled to be enrolled as a Creek freedman, in accordance with the provisions of the act of Congress, March 1, 1901 (31 Stat., 861), and the application for her enrollment as such is accordingly granted.

  
COMMISSIONER.

Muskogee, Indian Territory,

NOV 14 1905

8015

Creek No. 681

Muskogee, Indian Territory, November 16, 1904.

M. Z. Mott,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the testimony in the matter of the application for the enrollment of Leona Edwards as a Creek Freedman.

The Creek Nation will be allowed a reasonable time within which to submit evidence in this case.

Respectfully,

Chairman.

NON-1-16-12-04.

En. 631

Muskogee, Indian Territory, November 14, 1905.

M. T. Mott,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Leona Edwards, deceased, as a Creek freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made said Leona Edwards, deceased, will be regularly listed for enrollment as a Creek freedman.

Respectfully,

Commissioner.

AN-631



Gr En 631

Muskogee, Indian Territory, January 10, 1906.

Phyllis Robinson,

Taft, Indian Territory.

Dear Madam:

You are hereby advised that the name of your deceased minor child, Leona Edwards, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior January 4, 1906, and that application by the legal representatives for the heirs of said child for a selection of land in the Creek Nation may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EU 632

CR EU 632

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T., August 16, 1904.

In the matter of the application for the enrollment of Charlie Smith, deceased, as a Creek Freedman.

APPEARANCES: M. L. Nott Attorney for Creek Nation:

ISLAND SMITH, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Island Smith.  
Q How old are you? A About thirty-three.  
Q What is your post office address? A Weleetka.  
Q Do you make application for the enrollment of Charlie Smith as a Creek Freedman? A Yes, sir.  
Q Is the child living or dead? A Child's dead.  
Q Are you the father? A Yes, sir.  
Q What was the name of its mother? A Rachel Smith.

S The records of the Commission show that Island and Rachel Smith are listed for enrollment on Creek Freedman Card, Field No. 1400, and that their names are contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior, March 28, 1902, Nos. 4706 and 4707.

- Q When was Charlie Smith born? A 27th day of April.  
Q What year? A 1901.  
Q When did he die? A About the 15th day of July 1902.  
Q How old was he when he died? A About three months old.  
Q Did you make any record of the date of the birth of your child?  
A No, sir.  
Q Did you write down anything about the date of his death? A No, sir.  
Q Your wife is dead is she? A Yes, sir.  
Q How long has she been dead? A A year ago last April.  
Q What day of the month did she die on? A She died on the first day of April a year ago.  
Q Did you make out an affidavit about the death of this child, Charlie? A Yes, sir, and sent it in.  
Q How long had that child been dead when you made out that affidavit? A I don't know just exactly. Just directly after he died. Sometime along in June.  
Q After the child died? A Yes, sir.  
Q Did you make that affidavit in three or four months after the child died? A No, sir. Was not that long.  
Q You made it in less time than that? A Yes, sir. It was just right after the child died, but I don't know really what time.

An affidavit has heretofore been filed with the Commission executed by Island Smith. From which it appears that his son, Charlie Smith, died on the 10th day of April, 1902. This affidavit appears to have been executed on July 26, 1902. The notary public has noted on the jurat to the affidavit that his commission expires July 8, 1906, and this Commission takes judicial notice that a notary public's Commission is for the term of four years.

The affidavit was executed before B. Nicholas, a notary public for the western district of the Indian Territory.

- Q How old was this child when it died? A About three months old.

Charlie Smith---.

I, Dorman S. Haggis, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

Dorman S. Haggis

Subscribed and sworn to before me this 26 day of August, 1904.

Edward Kerrigan  
Notary Public.

818-R

...to ... ..

The following is a list of the names of the persons who have been  
 named in the above report, and who have been named in the above  
 report, and who have been named in the above report, and who have been  
 named in the above report, and who have been named in the above report,

C. N. Burlingame.

FEB 9 - 1906

001.

Creek An 638

Muskogee, Indian Territory, February 4, 1906.

Island Smith,

Wesley, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child Charlie Smith (deceased, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED

*Tamie Dickey*

Chairman.

Register.  
JY-4-44.

COPY.

Creek In 632

Muskogee, Indian Territory, February 4, 1904.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Charlie Smith (deceased), as a Creek Freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

*James D. Doby.*

Chairman.

JYK-4-45.



Creek 45 63a

Muskogee, Indian Territory, February 4, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Charlie Smith (deceased, as a Creek Freedman, including the decision of the Commission, dated February 2, 1905.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

JYL-4-46.

GR. LLB. IRS.

I.T.D. 1898-1905.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, May 22, 1905.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

February 4, 1905, you transmitted the record of proceedings in the matter of the application for the enrollment of Charlie Smith (deceased) as a Creek Freedman, including your decision dated February 2, 1905, wherein you found "that said Charlie Smith (deceased) was born subsequent to May 25, 1901", but make no finding as to the date of death of said child. You denied said application. The evidence shows that the said child named Charlie Smith died on the 10th day of April, 1902, and was three months old at the date of his death.

February 15, 1905, the Acting Commissioner of Indian Affairs reporting in the matter recommended that your decision denying said application be affirmed. A copy of his letter is herewith inclosed.

The Department concurs in the recommendation made and your decision dated February 2, 1905, denying said application is hereby affirmed.

Respectfully,

(Signed) E.A. Hitchcock,

Secretary.

1 inclosure.

632  
Refer in reply to the following:  
Land: 11248-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON

February 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 4, 1906, transmitting the record of the application for enrollment as a Creek Freedman of Charlie Smith (deceased).

February 2, 1906, the Commission decided adversely to the application.

The record shows that Charlie Smith (deceased) was born subsequent to May 25, 1901.

In view of the record the approval of the Commission's decision adverse to the application is recommended.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

M.M.M.

W.

En. 632.

Muskogee, Indian Territory, June 3, 1906.

M. L. Mott,

Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior under date of May 22, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, dated February 2, 1906, denying the application for the enrollment of Charlie Smith, deceased, as a Creek Freedman.

Respectfully,

Commissioner in Charge.

En. 432.

Muskogee, Indian Territory, June 3, 1905.

Island Smith,

Weletka, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of May 28, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated February 2, 1905, denying the application for the enrollment of your minor child, Charlie Smith, deceased, as a Creek Freedman.

Respectfully,

Commissioner in Charge.

CR EN 633

CR EN 633

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 18, 1904.

In the matter of the application for the enrollment of Abraham Gardner as a citizen by blood of the Creek Nation.

ABRAHAM GARDNER, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Abraham Gardner.  
Q How old are you? A Fifty-seven or over.  
Q Have you ever been before the Commission before? A No, sir.  
Q Do you make application to be enrolled as a Creek Freedman? A Well, my dady was a full Creek and I make application by blood.  
Q You claim as a Creek by blood do you? A Yes, sir.  
Q What is your post office address? A Broken Arrow.  
Q What town in the Creek Nation do you claim to belong to? A I claim to belong in the-----well I don't know what town my dady was in particularly.  
Q Where were you born? A Louisiana..  
Q How long did you live in Louisiana? A Lived in there until after the war.  
Q Then where did you go? A To Kansas.  
Q You went from Louisiana to Kansas? A Yes, sir.  
Q How long did you live in Kansas? A I don't know how long. Been in the Creek Nation twenty-two years.  
Q Did you ever draw any money from the Creek Nation? A No, sir.  
Q Was you ever admitted to citizenship in the Creek Nation? A No, sir. I just commenced applying for my right.  
Q Didn't you ever apply any place before this? A This is my first time.  
Q You were never in the Creek Nation until twenty-two years ago? A Never before only been in here twenty-two years.

The Tribal Rolls of the Creek Nation, in the possession of the Commission, examined and the applicant not identified on any of said Rolls.

The records of the Colbert Commission examined and it does not appear that the applicant applied to that Commission for citizenship in the Creek Nation.

The record of the proceedings of the Commission, under the act of June 10, 1896, examined and it does not appear that the applicant applied to said Commission, under said act, for citizenship in the Creek Nation.

---ooo000ooo---

I, Drennan C. Skaggs, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

*Drennan C. Skaggs*

Subscribed and sworn to before me this 27th day of August, 1904.

*Edward H. Harris*  
Notary Public.



E. L. L.

No. 533.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Abraham Gardner as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on August 18, 1904, Abraham Gardner appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a citizen by blood of the Creek Nation.

It does not appear that the applicant ever resided in the State of Texas, or in the Cherokee Nation, neither does it appear that he is a full blood Creek Indian, nor does it appear that the applicant has ever been enrolled as a citizen of the Creek Nation or admitted to citizenship in said nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Abraham Gardner as a citizen by blood of the Creek Nation, and that the application for his enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
CHAIRMAN

  
COMMISSIONER

  
COMMISSIONER

MUSKOGEE, INDIAN TERRITORY,

sent

Creek Sn 633

Muskogee, Indian Territory, January 16, 1906.

Abraham Gardner,

Broken Arrow, Indian Territory.

Dear Sir:

There is herewith transmitted one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

JYM-16-39.

Heys  
Creek En 633

Muskogee, Indian Territory, January 16, 1905.

M. L. Mott,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Abraham Gardner as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYM-16-40.

W. H. H.  
Creek Ln 638

Muskogee, Indian Territory, January 16, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Abraham Gardner as a citizen by blood of the Creek Nation, including the decision of the Commission, dated January 5, 1908.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

JYM-16-41.

I.T.D. 2364-1905.

IRS.

DEPARTMENT OF THE INTERIOR. LLS. WCF.

Washington, March 16, 1905'

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

January 16, 1905, you transmitted the record in the matter of the application for the enrollment as a citizen by blood of the Creek Nation of Abraham Gardner, including your decision dated January 5, 1905, rejecting said application.

Reporting March 8, 1905, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

The Department concurs in said recommendation and your decision is approved.

A copy of the Acting Commissioner's letter is herewith inclose d.

Respectfully,,

(Signed) E.A. Hitchcock,

Secretary.

1 inclosure.

refer in reply to the following:  
Land 4941-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 8, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 16, 1905, transmitting the record of the application, made August 18, 1904, for enrollment as a citizen by blood of the Creek Nation by Abraham Gardner.

January 5, 1905, the Commission decided adversely to the applicant.

The record shows that no prior application has been made, that the applicant is not a full blood Creek Indian and that he has never been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

M.M.M.  
W.

COMMISSIONER  
TAMM HUNT,  
SPECIAL AGENT  
IN CHARGE  
U. S. DEPT. OF THE INTERIOR,  
WASHINGTON, D. C.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

YBY

NOTED BY CLERK TO THE COMMISSION
EX. No. 628

APPROVED ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 27, 1905.

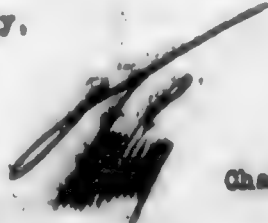
Abraham Gartinor,

Broken Arrow, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 16, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, denying your application for enrollment as a citizen by blood of the Creek Nation.

Respectfully,



Chairman.



✓  
Or En 633

Kuskogee, Indian Territory, March 27, 1905.

M. L. Mott,

Attorney for the Creek Nation,

Kuskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of March 16, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, denying the application for the enrollment of Abraham Gardner as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 18, 1904.

In the matter of the application for the enrollment of Ben Harris, deceased, as a Creek Freedman.

(M. L. Mott Attorney for Creek Nation.

APPEARANCES:

( R. C. Martin Attorney for applicant.

ANNIE CORBRAY, being duly sworn testified as follows:

By Commission:

- Q what is your name? A Annie Corbray.  
Q How old are you? A About thirty-five.  
Q What is your post office address? A Bald Hill.  
Q Do you make application for the enrollment of Ben Harris, deceased as a Creek Freedman? A Yes, sir.  
Q He is dead is he? A Yes, sir.  
Q Was he your father? A Yes, sir.  
Q What town did he belong to? A Canadian Town.  
Q When did he die? A Died-----1899.  
Q What month and what day of the month? A August.  
Q What day in August? A I don't know what day in August but right after the fourth day in August.  
Q What happened on the fourth day of August that makes you think it was right after the fourth? A No response.  
Q How old was he when he died? A About seventy years old.  
Q Had he lived in the Creek Nation ever since you were born? A Yes, sir.  
Q Did you write down in a book any where about the date of his death? A No, sir, I didn't write it.  
Q Have you some children named Richard and Isabelle? A Yes, sir.  
Q Did he die before or after they were born? A He died after.  
Q How long after? A I ~~manth~~ got a girl that was born after he died.  
Q What is that girl's name? A Eva.  
Q Have you got land for that girl? A Yes, sir.  
Q What is her name? A Eva Corbray.  
Q You say your father was dead when Eva was born? A Yes, sir.  
Q How long had he been dead when she was born? A Been dead about four years when she was born.  
Q Been dead about four years when she was born? A Yes, sir.  
Q Did your father die before Eva was born? A He might have died after.  
Q Do you know what an oath is? A Yes, sir.  
Q Do you know what the penalty is if you swear to something that is false? A Yes, sir.  
Q You know that you are liable to be sent to the penitentiary? A Yes, sir.  
Q Now, was your father dead when Eva was born. You stated positively twice that your father died four years before Eva was born? A I didn't mean four years.  
Q Now what do you say. Did your father die before Eva was born or after? A No response.

Ben Harris---S.

By R. C. Martin:

Q How old is Eva? A Four years old past.  
Q Have you another child younger than Eva? A Yes, sir.  
Q Do you remember of telling me about your father over in my office? A Yes, sir.

Attorney for the Creek Nation objects to Mr. Martin leading the witness.

Q What is the name of your youngest child? A Arthur.  
Q How old is he? A Two years old.  
Q Was Arthur born when your father died? A Born after.  
Q Did you have any other children that were born after your father died except Arthur? A None but this one. (referring to a child in her arms)  
Q How many children were born to you after your father died? A Been three.  
Q What are their names? A Richard and Austin who died and one living.  
Q Do you remember when Eva was born? A They got them down on the roll and they know better than I do.  
Q Was Eva born when your father died? A My father died in August.  
Q You remember what I asked you? A Yes, sir, I remember.  
Q Now answer was Eva born after your father died or before? A After.  
Q She was born after? A Yes, sir.  
Q Do you remember of ever having any conversation with me about that question? A Yes, sir.  
Q You remember that I asked you the same question in my office that I asked you now? A Yes, sir.  
Q What answer did you give me? A I told you that Eva was born after my father died.

HENRY C. REED, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Henry C. Reed.  
Q How old are you? A Sixty-three.  
Q What is your post office address? A Leo.  
Q Do you know Annie Corbray? A Yes, sir.  
Q Do you know a child of hers named Eva? A Well I don't believe I do.  
Q How far do you live from her? A About five or six miles I guess.  
Q I don't remember her children's names.  
Q Do you know Charlie Corbray? A Yes, sir.  
Q Have you been well acquainted with Annie Corbray for a good many years? A Yes, sir.  
Q Did she have a child before she and Charlie Corbray were married?  
A Well now, I am not prepared to say, yes or no, on that but I know she was married before she married him and it might be that she had a child.  
Q Do you whether Charlie Corbray and his wife, Annie, were married or not? A Yes, sir.  
Q You performed the ceremony did you? A Yes, sir.  
Q How long ago has that been? A You catch me up on that.  
Q As near as you can get to it? A Along about '97--between '97 and '98.  
Q Do you know Ben Harris? A Yes, sir.  
Q Was he the father of Annie Corbray? A That is understood.  
Q He is dead is he? A He is dead.  
Q Did he die before you performed that marriage ceremony or after?  
A Died after.  
Q How long after? A Well now, as I don't know what date I performed that ceremony, I guess between '97 and '98. Must been over a year after. About a year after.

Ben Harris---3.

Q Do you know when Ben Harris died? A Not exactly what date I don't.

Q Do you know what year he died? A Yes, sir.

Q What year was it? A 90----'89.

Q Died in 1889? A '89.

Q That is long before you married these people? A I said I married these people in '97 or '98.

Q When did you say Ben Harris died? A '89.

Q That would make it before they were married? A Wait tell I study on it. I might be mistaken. I am trying to think about the time when the United States taken jurisdiction---'98-----'97-----'99. I guess I said '89 I mean 1899.

Q When do you say he died? A 1899.

Q When you married Charlie Corbray and his wife you were acting under Creek Authority wasn't you? A No. Under Christian authority.

Q You performed that ceremony under Creek Law didn't you? A Under United States Law.

Q In what month did Ben Harris die? A No to be honest and frank about it I don't know exactly what month. I didn't know he had died until I heard he died. My knowledge of Ben living and Ben dead is very short. After the land office was opened I met Ben and told him to go down and file and he said he was very sickly and didn't go down and file. I told him every one was getting land and he ought to get land and later on I heard he died but I didn't know what month he died but I seen him after the land office was opened.

Q Do you remember the circumstance of filing on your own land? A Yes, sir.

Q Was Ben Harris living then or dead? A I said he was living then.

Q After you filed on your own land? A That same year. I didn't file. I made application and didn't file until away in the Fall.

Q Was he living when you filed? A Yes, sir, when I filed.

Q When you filed? A I didn't say he was living then because I filed a little over a year after the land office opened.

Q To your best judgment how long had he been dead when you filed?

A My best judgment I filed in 1900-----must been I filed along away the next year-----it seems to me and it must been-----six months before I filed that he died.

Q According to your best judgment now he died six or seven months before you filed? A Yes, sir.

Q How far did he live from you when he died? A About forty or forty-five miles I guess.

The records of the Commission show that a citizenship certificate was issued to Henry C. Reed September 28, 1899.

By R. C. Martin:

Q You spoke about marrying Annie and Charlie Corbray and said it was about '97 or '98 are you still in doubt about that time? A '97 and '98. Now I don't remember the exact date I married Charlie but I know I did. But I know it was mighty near or a little before the United States took jurisdiction. They taken jurisdiction 1898 and it was a little before that.

Q Can't you connect the time of his marriage with something else that occurred that year. Some large picnic or political meeting? A I can't do that because if I had thought of it I would have refreshed my memory on it and been able to give the date I married them but I don't remember.

Q Now in respect to the death of this Ben Harris are you not prepared to say definitely whether you saw him alive before or after the time you filed or made application to file? A I know it was after I made application because I made application to file along in June or July but I was sent off and I didn't file when I made the application but it went on in the fall the first of September he stated and I made the application and it went on later in the Fall.

Ben Harris---4.

Q Did you say Ben Harris was living in the year 1899 and you seen him? A Yes, sir.  
Q Do you remember having talked with him in that year? A Yes, sir.  
Q Do you remember what month it was? A I don't know whether it was August or July.  
Q Was it later than the Spring months? A It seems it was getting warm. It might been May but I don't recollect but I remember of talking about the land office opening.  
Q Do you wish to go on record as stating positively that you saw Ben Harris either in May or sometime after May in the year 1899? A Yes, sir, to my best judgment.

By M. L. Mott:

Q How many times did you see Ben? A The only one time I can recollect.  
Q Was he living near his daughter at that time? A Yes, sir.  
Q You were living forty-five miles from him? A Yes, sir.  
Q At that time you were living forty-five miles from his daughter?  
A No, sir. I meant Ben.  
Q You had not seen Ben before in how long? A I saw him off and on before then but that is the last time I seen him.  
Q Now when you stated to Mr. Beavers that you filed six or seven months after Ben died, if you were mistaken as to that might you not be mistaken as to any other date in connection with this man? A I was under the impression when I said that, that after I made an application---  
Q You stated to Mr. Beavers that you filed in 1900. The records show that you filed in 1899? A I made the application but didn't complete my filing.  
Q When you stated to Mr. Beavers that you filed a year after the land office opened, when the record shows you filed in six or seven months, if you were mistaken in that might you not be mistaken in any other thing? A I can't be mistaken in seeing Ben but I might be mistaken in the filing. It was a year before I completed the filing.  
Q How many men do you suppose you spoke to before you filed? A I didn't estimate.  
Q It was talked about by every body? A Yes, sir.  
Q Are you interested in every body's filing? A Yes, sir. Not so much because I was the attorney but they would ask me where was some vacant land but I did not as to the filing.  
Q I mean it was discussed by ever one. I suppose you spoke to a thousand men about it didn't you? A It might be.  
Q Where were you when you spoke to Harris about it? A At Okmulgee.  
Q Where does he live? A I don't know particularly who he was living with but said he was living on Salt Creek.  
Q Do you pretend to remember every man you spoke to in connection with filing? A If I was called to question about such things it might be that I might remember a great many. It would be just like yourself on that. Sometimes you speak to people and don't think about it.

By R. C. Martin:

Q Did you know the doctor that attended Ben Harris during his last illness? A No, sir.  
Q You stated a moment ago that when you saw Ben Harris in Okmulgee he was living up on Salt Creek? A Yes, sir.  
Q Do you remember who he was living with at that time? A No, sir.  
Q Do you know this woman, Annie Corbray, pretty well? A Yes, sir. Known her from a child up.  
Q Has she any education whatever? A No, sir, she hasn't got any.  
Q You wouldn't consider she had a very good memory or good head either would you? A No, sir. She is not right.

Ben Harris---5.

WILLIAM PETER, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A William Peter.  
Q How old are you? A About sixty-six.  
Q What is your post office address? A Lee.  
Q Do you know Charlie Corbray? A Yes, sir.  
Q How far do you live from him? A About seven miles east of Charlie.  
Q How long have you known him? A I known him directly after the surrender.  
Q Do you know his wife, Annie? A Yes, sir.  
Q Did Charlie and Annie live together before they were legally married? A Well now you are asking me something I couldn't say.  
Q Do you know his children? A I know two of his children. Two of his boys.  
Q Do you know a child of Annie's named Eva? A I don't know. Know all Charlie's youngest children but the oldest ones. I know the two boys.  
Q Did you know Ben Harris? A Yes, sir.  
Q He is dead is he? A Yes, sir.  
Q How far did he live from you when he died? A I am living two miles north of Lee and I often seen him at Okmulgee.  
Q I asked you how far you lived from him when he died? A I don't know exactly.  
Q Where was his home? A Salt Creek.  
Q How far was that from you? A About twenty-five or thirty-five miles.  
Q Do you know when Ben Harris died? A No, sir, not really exactly. I couldn't tell you exactly when he died, Mr. Beavers.  
Q When did you hear that he was dead? A When Ben died I heard it about near as I can come to it about two years ago.  
Q Who told you he was dead? A The man was Robert Grayson.  
Q The Robert Grayson that belongs to Northfork Town? A Yes, sir.  
Q Town King of Northfork Town? A I think he is.  
Q Didn't Ben Harris live some where near Robert Grayson? A They all lived on Snake Creek.. In that neighborhood.  
Q Do you remember the circumstance of filing on your own land? A I remember I came and filed but what time I came and filed I can't remember.  
Q Did you ever see Ben Harris after you filed? A Oh/ Yes, sir.  
Q How many times? A To my recollection I must have seen him about two or three times since I filed. That is as near as I can come to it.  
Q How long was it after you filed when you saw him the last time. Can you remember that? A I go to Okmulgee off and on. Sometimes I go there two or three times a week. Sometimes less but as often as I go there I seen him there.  
Q Did you see him every time you went there? A Not quite every time.  
Q How far did he live from there? A I think they call it fifteen miles from Okmulgee to Salt Creek.  
Q Did you talk to him about filing? A No, sir. Not a word. we talked on other matters but not about filing.  
Q You say you would see him there pretty near every time you went there? A I seen him often but not quite every time.  
Q Was he a strong man or a sickly man? A Sickly what he told me.

The records of the Commission show that a citizenship certificate was issued to William Peter June 13, 1899.

By R. C. Martin:

- Q You stated a moment ago to Mr. Beavers that you saw Ben Harris after you made application to file. Did you see him at Okmulgee? A Yes, sir.  
Q At Okmulgee? A Yes, sir.



Ben Harris---6.

Q What year was that you saw him? A Well now Mr. Martin I can't tell you what year but it was after I filed I saw him. I done most of my business there and I saw him there.

Q How did you come to see him? A We would be around to Capten Severs' store.

Q You were well acquainted with him wasn't you? A yes, sir. His mother was a connection of my father.

Q Well, is that same Ben Harris you saw over there the father of this woman, Annie Corbray? A yes, sir.

Q Did you ever hear him say anything about his daughter, Annie Corbray? A yes, sir. He spoke of his daughter all the time.

Q You last saw him in 1899? A I say I don't know what year but it was after I filed.

Q Do you remember what month it was? A It was in the Spring because I hardly go to Okmulgee in the summer. I go in the Spring.

Q Was it in May? A I really couldn't tell you Mr. Martin. I saw him in the Spring.

Q What do you mean by Spring. What month? A I mean in the Spring of the year.

Q What were you doing over there when you seen him last? A I was trading with Capten Severs.

Q Were you selling anything? A No, sir.

Q Were you hawling anything to town? A No, only a load of corn once in a while.

Q Was it in the early part of the Spring? A It was ~~was~~ in the early part of the Spring. ~~was~~ ~~later~~ ~~part~~.

By M. L. Mott:

Q Might it not have been April you saw him? A I told him (indicating Mr. Martin) that I didn't know what month but it was in the early part of the Spring.

Q That much you are certain of? A Yes, sir.

By R. C. Martin:

Q You distinctly remember that you saw him in the Spring of 1899?

A I didn't say 1899 but I saw him after I filed. I didn't say what month or year but I stated I saw him after I filed.

Q You were farming at that time were you not? A Yes, sir. What I know by is this. I hawled old corn and traded for my groceries.

Q Had you planted your spring crops? A The corn was in the ground.

Q Was it growing? A Yes, sir.

Q How high was it? A I don't know.

Q Was it above the ground? A The corn was coming up right well.

About like that. (indicating about three inches high)

Q Was cotton planted too? A yes, sir.

Q Was it growing? A Yes, sir.

By M. L. Mott:

Q Corn and cotton was both up sometime in April? A yes, sir.

Q Corn is up in April and cotton in May? A Yes, sir. The corn was up.

Q The corn was up when you saw him? A Yes, sir. About that high. (indicating four or five inches)

Q That wouldn't be later than May? A I don't suppose it was.

Q Cotton and corn would be four or five inches high in May wouldn't it? A Yes, sir, I guess so.

By Commission:

The 1890 Authenticated Creek Tribal Roll examined and Ben Harris identified thereon, Canadian Town, Page 68.

The 1893 Omitted Roll of the Creek Nation examined and Ben Harris identified thereon, Canadian Town, Page 32.



Ben Harris----7.

The records of the Commission show that Eva Corbray was born April 15, 1899.

The attorney for the applicant asks that the case be continued in order that he may introduce further evidence in the case and it is granted.

---000000000---

I, Drennan C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

*Drennan C. Skaggs*

Subscribed and sworn to before me this 27th day of August, 1904.

*Edward Morris*  
*Notary Public.*

OK

Ex. 634.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Okmulgee, I. T., October 15, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Ben Harris as a Creek Freedman.

( R. C. Martin, Atty. for applicant,  
APPEARANCES:  
( M. L. Mott, Atty. for Creek Nation.

THOMAS GRAYSON, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Thomas Grayson.  
Q How old are you? A Thirty-seven.  
Q What is your post office address? A Beggs.  
Q Do you know Annie Corbray? A Yes, sir.  
Q Do you know her father? A Know a man claimed to be her father.  
Q What was his name? A Ben Harris.  
Q Do you know when Ben Harris died? A Yes, sir.  
Q What month did he die in? A August.  
Q What year? A 1899. I helped bury him.  
Q Had you filed on your land in the Creek Nation when you helped bury him? A I can't recollect whether I did or not.  
Q Do you know a child of Annie Corbray's named Eva? A I don't know her children.  
Q Have you any children of your own? A Yes, sir.  
Q What is the name of your youngest child? A Patient.  
Q How old is that child? A Three months old.  
Q What is the name of the next one? A Rosa.  
Q How old is she? A Three years old.  
Q Have you filed on land for Rosa? A No, sir.  
Q What is the next one? A George.  
Q Have you filed for him? A Made application for him to file.  
Q Was Ben Harris dead when George was born? A Yes, sir.  
Q How long had he been dead when George was born? A About two years.  
Q When was George born? A George was born on the 17 of November.  
Q What year? A 1901 I believe it is. I got a record of it.  
Q What is the name of the child next older than George? A Ellis.  
Q Did Ben Harris die before Ellis was born? A No, sir.  
Q When was Ellis born? A Month of June but couldn't tell the year.  
Q How old is Ellis? A Will be seven---was seven years old this last June gone.  
Q Do you know Charlie Corbray? A Yes, sir.  
Q He and Annie Corbray are married are they? A That is what they say. I live thirty miles from them.  
Q How far did Ben Harris live from you when he died? A A mile and a half south.  
Q Had any one in your neighborhood filed on land when Ben Harris died? A I can't say.  
Q Do you know whether the Creek Land Office was open when Ben Harris died? A I suppose it was. I heard it was.  
Q You don't know whether you had filed on your land or not when he died? A No, sir, I do not.

By Mr. Martin:

Q What official position do you hold in the Creek Nation? A I am a Warrior.

Q How long had you known Ben Harris? A From my youth up.  
Q How do you know that he was the father of Annie? A That is what he claimed all the time and come to see her very often.  
Q He went to see her very often? A Yes, sir.  
Q Was it the common talk and belief that he was the father? A Yes, sir.  
Q When did Ben Harris die? A In the month of August, 1899.  
Q Were you with him when he was sick? A Yes, sir, I waited on him continually until he got very low. He had the dropy.  
Q Whose house did he die at? A He died at Sampson Richards.  
Q You are positive are you that it was in August, 1899? A Yes, sir.  
Q Do you know where he is buried? A Yes, sir, I helped bury him.  
Q Where was he buried? A On Salt Creek.  
Q Was there any head board? A I wrote down the inscription on an old board.  
Q Was the date of his death on that board? A Yes, sir.  
Q Did you do that? A Yes, sir.

By Commission:

Q Did the colored people have a selebration that year, in August? A Yes, sir.  
Q What day of the month? A Fourth.  
Q Did he die after the selebration? A Yes, sir, He got so sick there that we had to take him back home.  
Q Do you know what has become of that head-board? A No, sir. It was an old vacant place and every year it burns off.  
Q Did you look for that board this summer? A Yes, sir.

By Mr. Martin:

Q You remember I wrote to you to go and look for that board don't you? A Yes, sir.

By Mr. Mott:

Q Are you any relation to these people? A No, sir.  
Q Have you any interest in this case? A No, sir.  
Q Do you know the date of death of any one else that you helped bury? A No, sir, never take no notice unless I write the inscription.  
Q Ever bury any one else? A Yes, sir.  
Q Any one since that time? A Yes, sir.  
Q Do you know the date of the death of any of them? A No, sir.  
Q How come you to take notice of this? A They asked me to.  
Q This the only case that you ever made the inscription of? A No, sir, I written one not very long ago.  
Q What time was that? A The first of September, 1904.  
Q A few weeks ago? A Yes, sir.  
Q You can't recall the date of death of any one else that you have buried? A No, sir.  
Q Do you know why this claim was not presented before? A No, sir.  
Q Who presented it? A I don't know.  
Q How do you know this was in 1899? A I recollect that just as plain for I was well acquainted with the old man.  
Q Have you thought of it since? A Yes, sir, I thinks of it.  
Q Is your mother living? A Yes, sir.  
Q Have you got any brothers dead? A Yes, sir, one.  
Q When did he die? A He died about twenty-two years ago.  
Q You don't know when that was? A No, sir.  
Q Have you any sisters dead? A No, sir.  
Q Any children dead? A No, sir.  
Q How near did this man live to you? A The place he died about a mile and a half.  
Q And you helped bury him? A Yes, sir.  
Q Why wasn't you made a witness in this case when they first took it before the Commission? A I don't know.



L. D.  
2,018

En. 634

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Ben  
Harris, deceased, as a Creek Freedman.

-: SUPPLEMENTAL STATEMENT :-

The records of the Commission show that a citizenship certificate  
was issued to Robert Grayson April 27, 1900.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Chairman

Muskogee, Indian Territory

November 16, 1904.

*J. D.*  
En. 634.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Ben Harris deceased, as a Creek Freedman.

-: D E C I S I O N :-

The record in this case shows that on August 18, 1904, Annie Corbray appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her father, Ben Harris, deceased, as a Creek Freedman. Further proceedings were had at Okmulgee, Indian Territory, October 15, 1904, and at Muskogee, Indian Territory, November 16, 1904.

The evidence shows that said Ben Harris, deceased, is identified on the 1890 Authenticated Tribal Roll and the 1898 Omitted Roll of the Creek Nation.

The evidence further shows that said Ben Harris, deceased, died subsequent to April 1, 1899.

It is, therefore, the opinion of this Commission that said Ben Harris, deceased, should be enrolled as a Creek Freedman in accordance with the provisions of the acts of Congress June 28, 1898 (30 Stats., 495), and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Chairman

  
Commissioner

  
Commissioner

Muskogee, Indian Territory.

MAR 1 - 1905

Or. En 634

Muskogee, Indian Territory, March 2, 1905.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Ben Harris (deceased) as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if, at the expiration of that time, no such protest has been made, said Ben Harris (deceased) will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Commissioner in Charge.

JYK-R-1.



COMMUNICATING:  
TAMM HENRY,  
THOMAS A. HENKLER,  
C. R. HENCKENBROCK.

WM. C. HALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

1234

COPIES OF THIS LETTER
No. 654.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 3, 1906.

Ben Harris,

Bald Hill, Indian Territory.

Dear Sir:

You are hereby advised that your name is contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior May 23, 1906, and that application for a selection of land in the Creek Nation may now be made at the office of the Commission in Muskogee, Indian Territory.

Respectfully,



Commissioner in Charge.

CR EN 635

CR EN 635

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 18, 1904.

In the matter of the application for the enrollment of Hanna Bluford, deceased, and her deceased child, name unknown, Jennie Beaver, deceased, and her deceased child, Joella Beaver, as citizens by blood of the Creek Nation.

(Thomas & Foreman attorneys for  
APPEARANCES: applicants.  
(M. L. Mott attorney for Creek Nation.

MARTHA WILSON, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Martha Wilson.  
Q How old are you? A Thirty-six years old.  
Q What is your post office address? A Hodas.  
Q Are you a sister of Hanna Bluford? A No, sir.  
Q What kin is she to you? A niece.  
Q Are you related to Jennie Beaver? A Yes, sir.  
Q What kin is she to you? A Niece.  
Q Are they dead? A Yes, sir.  
Q Do you make application for their enrollment as citizens by blood of the Creek Nation? A Yes, sir.  
Q Did Hanna have a child that you want to make application for? A She said she had a child. I never did see it.  
Q You don't know about the child? A No, sir.  
Q Did Jennie have a child? A She had three.  
Q Do you know their names? A No, sir, I don't know the children's names.  
Q To what town did Hanna and Jennie belong? A They told me to Cussehta but I have said they belonged to Tuscabatche.  
Q To what town do you belong? A Tulsa Canadian.  
Q What was the name of the mother of Jennie and Hanna? A Dina Butler before she married.  
Q What was her name after she married? A Harjo.  
Q How long has she been dead? A Quite a while.  
Q Has Hanna and Jennie any brothers and sisters enrolled that are living? A Not that I know of.  
Q No brother or sister living? A Not that I know of.  
Q How far did you live from Jennie and Hanna when they died? A About fifty miles.  
Q Did you live near them when they were young? A I guess I was but I was small.  
Q Were they ever called, either one of them, by any other name? A That is all I know.

GEORGE FOSTER, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

Q What is your name? A George Foster.  
Q What is your age? A About fifty years.  
Q What is your post office address? A Creek post office.  
Q You are a full blood Creek are you? A Yes, sir.  
Q Did you know Hanna and Jennie Harjo? A Yes, sir.  
Q To what town did they belong? A Cussehta.  
Q Were either one of them ever called by any other name? A Not that I know of.

- Q Did they ever belong to any other Town except Cusseta? A No, sir.
- Q What was their father's name? A Kneha Harje.
- Q Is he living? A Dead.
- Q How long has he been dead? A I don't know. Quite a while.
- Q Do you know Thomas Randall? A Yes, sir.
- Q Was he any kin to Jennie and Hanna? A Grandfather.
- Q Did you know Hanna and Jennie Thlocco? A I don't know them.
- Q Did you know Millie? A Knew Millie.
- Q Was she any relation to Hanna and Jennie? A I don't think she was any relation to Jennie and Hanna but they lived together.
- Q Did Louella live with them? A Yes, sir.

The 1890 Authenticated Tribal Roll of the Creek Nation examined and Hanna Bluford identified thereon, Cusseta Town, Page 82, as Hannah Randall. The same Roll examined and Jennie Beaver identified thereon at page 82 as Jinnie Randall.

The 1895 Pay Roll of the Creek Nation examined and Hannah Bluford identified thereon at No. 220, Cusseta Town as Hannah Thlocco. Jennie Beaver is identified on that Roll at No. 221, as Jennie Thlocco.

Affidavits heretofore filed with the Commission, relative to the date of the death of Hannah Bluford and Jennie Beaver, which were in Creek Indian Jacket Field No. 3111, are made part of the record herein.

There is on file with the Commission evidence taken at Okmulgee, Indian Territory, October 19, 1903, in the matter of accounting for those persons whose names appear on the Creek Tribal Rolls not theretofore accounted for. James Bell after being duly sworn, in the course of his examination relative to members of Cusseta Town, stated that he was a member of the House of Warriors of that town and in the course of the inquiry the following questions were asked him and answers given as below:

- Q Nager? A Died before the land Office opened.
- Q Jinnie, Jehn, Hanna, Arson Moore? A They died before. Died with smallpox.
- Q Jennie Randall? A She died before.
- Q Were Jennie and Hannah full blood Creek Indians? A Yes, sir.
- Q About how old was Hannah when she died? A I can not swear as to their age.
- Q Was Hannah a grown woman? A They were both grown.
- Q Were they both married? A Yes, sir.
- Q Both had children? A Yes, sir.
- Q Do you know when Hannah died? A Died in April-----Hannah died after the smallpox.
- Q Did Hannah have the smallpox? A She had the smallpox but was well of that.
- Q About how long after the smallpox was it she died? A I can not say but it was sometime after.
- Q How long had it been since she had that smallpox? A I cannot say.
- Q Do you know what year it was? A I was so glad I escaped that I didn't remember.
- Q Was she taken to a pesthouse when she had the smallpox? A Yes, sir.
- Q Whose house was that? A On Deep Fork.
- Q Do you know who that house belonged to that she was in when she had the smallpox? A Near the premises of Hester Beaver.
- Q Do you know when Jennie died? A I don't know exactly when Jennie died but it was probably in February.
- Q Did Jennie die before Hannah? A Yes, sir.

Q How long before? A It was the April following the disappearance of the smallpox.  
Q Were Jennie and Hannah put in the same pesthouse? A Yes, sir.  
Q And Hannah got well and Jennie died is that it? A Yes, sir.  
Q Did Hannah have a child at that time? A Yes, sir.  
Q What was the child's name? A Small child but I don't know by name.  
Q Did the child die? A Yes, sir.  
Q Did it die before Hannah did or after? A The baby died first.  
Q Do you know how long before? A I don't know.  
Q Did the baby die in the pest house? A I am of the impression that the child died before the mother was taken to the Pesthouse.  
Q Did Jennie have a child then? A Yes, sir.  
Q Was that child taken to the pesthouse? A She was the wife of Hector Beaver and the camp was established near the premises.  
Q Did Jennie die before that child or after? A I don't know.  
Q At the time Jennie died do you refer to the time that the smallpox was raging in the western part of the Creek Nation about five years ago or a little more? A Yes, sir.

Augustus C. Polk, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Augustus C. Polk.  
Q How old are you? A Thirty-nine.  
Q What is your post office address? A Micawber.  
Q Did you know Hannah Bluford and Jennie Beaver? A Yes, sir.  
Q Did you live near them when they died? A About four or five hundred yards of the pest camp. and they died in the pest camp.  
Q Did they both die in the pest camp? A Hanna didn't.  
Q Was that pest camp destroyed? A Yes, sir.  
Q By fire? A Yes, sir.  
Q Did Hannah recover from the smallpox? A yes, sir. She was disinfected and sent to her relatives about ten miles from there.  
Q Where was that pest camp located? A At the mouth of Hillabee.  
Q Was it a house? A It was a house and tents around.  
Q By what name was it known? A Hillabee No. 1.  
Q Did Jennie die in that house? A Yes, sir.  
Q She died of the smallpox did she? A Yes, sir.  
Q Hannah recovered from the smallpox? A Yes, sir.  
Q Do you know when that pestcamp was destroyed? A Yes, sir.  
Q when? A 14th of May.  
Q What year was that? A 1899.  
Q Do you know the day on which Jennie died? A No, sir, I don't.  
I did at one time I guess. Every evening I had to sent the report of the dead ones to Lee Patrick.  
Q Who was he? A He was the Sac and Fox agent in Oklahoma.  
Q You sent a report of each that died on that day? A I worked from the 27th of January to the 26th of February.  
Q Did Jennie die during the time you worked there? A I wont saw positive.  
Q Did Hannah die during the time you worked there? A No, sir, after.  
Q Do you know how long after? A No, sir. She was disinfected and sent out and I don't remember how long she had been out.  
Q You are not prepared to state then when those two people died? A No, sir.  
Q You say the camp was destroyed in May? A the 14th of May.

By Mr. Foreman:

Q How long before this camp was destroyed did Hannah die? A I dont know how long it was. They just hauled her off and it was some two or three weeks before the pest camp was burned.

Q You say that you saw Hannah's body brought back there after she died? A Yes, sir.  
 Q Brought back there for burial? A Yes, sir.  
 Q Two or three weeks before the 14th of May? A I think it was.  
 Q Did Hannah have a child? A Not then. Had a child that died in the pest camp.  
 Q Do you know when that child died? A No, sir, I don't.  
 Q Did the child die before or after Hannah was dismissed from the pest camp? A I don't know.  
 Q How long after Hannah was dismissed from the pest house was it until she died? A It must have been two or three weeks.  
 Q Well now, you don't know how long before Hannah left the pest house that her child died? A No, sir.  
 Q Was Jennie dead when Hannah left the pest house? A I want to be positive but I think she was.  
 Q What other guards and people was there then? A Isaac Pusey and John Pusey were outside guards.  
 Q Do you know the names of any of the nurses? A Yes, sir. I think I do. There wasn't but one nurse that worked clear through.  
 Q Who was he? A Jim Gumber.  
 Q Who was some of the other nurses? A One was Ben Gumber.  
 Q Where is he? A Down here at Stroud in the Creek Nation.  
 Q Who is any others? A Another fellow named John Tucker.  
 Q Where does he live? A He lived at Shawnee then. I don't know where he lives now.  
 Q Where do John and Isaac Pusey live? A I think it was Misawber.  
 Q Do you know whether these other people made these reports to Patrick? A I was at work and gave in the ones that died and the new cases and when I quit Isaac Pusey sent in the report. Just before the camp was destroyed a few days Patrick sent down here for me to send in all the names that I had not sent in and I got Hector Beaver to help me and we sent them in.  
 Q Is Hector Beaver dead? A No, sir.  
 Q Did you have orders from the Indian Agent to sent in reports? A Yes, sir.

By Commission:

Q About how old was Hannah when she died? A About 20.  
 Q About how old was Jennie when she died? A I would judge her to be about 26 or 27.

By M. L. Mott:

Q What killed Hannah? A The Doctor said she relapsed from the smallpox.  
 Q Do you know about the time Hannah was brought to the camp with the smallpox? A No, sir, I don't but she was one among the first.  
 Q Was it after New Year? A Yes, sir.  
 Q How long did she remain there? A I can't say to that.  
 Q How long did they generally be there? A From a month to six weeks.  
 Q How long after the 27th of January when the government took a hold of it do you suppose it was when Hannah came? A Hannah was at Hector Beaver's house when she had the smallpox and her man got it at Stroud and I think she was among the first.  
 Q Was she there six weeks? A I think she was.  
 Q How long was she away from there before she came back? A I couldn't say.  
 Q Then after she came back how long was she sick until she died? A She came back dead.  
 Q How long after she was sent away until she came back? A I can't say.

21812

I, FREDMAN G. HENRY, do oath state that the above and foregoing  
is a full, true and complete transcript of my stenographic notes as  
taken in said court on said date.

Frederman G. Henry

Subscribed and sworn to before me this 10th day of August, 1904.

Charles K. Brown  
NOTARY PUBLIC.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, January 3, 1906.

In the matter of the application for the enrollment of  
Hannah Bluford, deceased, et al as citizens of the Creek Nation.

John Beaver being duly sworn testified as follows  
through Alex Posey official interpreter.

Q What is your name? A I am on the roll as John Beaver.  
Q What is your age? A I don't know, right around fifty.  
Q What is your post office address? A Bristow.  
Q Are you a citizen of the Creek Nation? A Yes, sir. Born west of  
Eufaula about fifteen miles.  
Q Have you lived in the Creek Nation all your life? A Biggest  
part of the time, about eleven years in Oklahoma.  
Q Did you know Hannah Bluford? A Piggie Bluford had a wife named  
Hannah. She died time of the small pox.  
Q Do you know whether she died before the Creek Land office opened?  
A I think she died before.  
Q To what town did she belong? A Cussetta, I think. I was in the  
camp when the filing commenced.  
Q Did you know the name of her child? A I don't know. They had a  
baby I think and it died.  
Q Do you know the name of the baby? A No, sir. It died before the  
small pox commenced. The mother died after the small pox. She got  
the small pox quite a while and then she died.  
Q Do you know when the Creek land office opened? A It was opened  
that spring, in April some time.  
Q Do you know the year? A No, sir.  
Q Did Hannah Bluford die before the land office opened? A Yes, sir.  
Q Do you know what month she died in? A I don't know but I think she  
must have died some time in February. The last part of February.  
Q What makes you remember that? A I remember that because I wanted  
them to turn me loose so I could come and file. We were quarantined  
during the small pox epidemic of 1899, and was from January. I was  
turned loose the 4th of May. I used to interpret for the small pox  
doctor.  
Q What was that doctor's name? A Scott. Q William H. Scott? A I  
know it was Dr. Scott.  
Q We have here the testimony of Dr. Scott, he says "the next  
morning after I took charge they were all dead except Hannah  
Bluford and the little boy who died afterwards and there was another  
man I brought in but I don't know his name."  
Q Did Hannah Bluford afterwards die? A Yes, sir. My best judgment  
would be Hannah Bluford died about the first of April. I didn't go  
out to the burial.  
Q You don't know anything about the time when her child died?  
A No, sir.  
Q Do you know when her sister Jennie died? A She died in that same  
year.  
Q What was her name? A Jennie. When they marry among the Indians  
in that day they didn't marry lawful.  
Q What do you think her name was then? A Jennie Butler. Jennie was  
the mother of two of my children. She died during the small pox.  
Q What was the names of those two children? A Josanna and Emma.  
Jennie died in January and the children in the last part of January.  
Q The children of Hannah Bluford—did you know any of them? A  
No, sir. She had one child and it must have died.

Q When did it die? A About the time of the small pox, before the small pox commenced.  
 Q It died then before Hannah Bluford died, did it? A Yes, sir.  
 Q Were you there when the small pox camp was broken up? A No, sir. I was not there. I was turned loose.  
 Q Do you know of any small pox patients that died in the month of May, as late as that? A I don't know of any that died in May.  
 Q What was the latest that any small pox patients died that you knew of? A March.  
 Q Do you know of anybody else who would know the date of the death of Hannah Bluford and her child? A Not a person.  
 Q Dr. Scott later on in his testimony stated his best judgment was that Hannah Bluford was buried in March. He said he remembered when she was buried the ground was hard and dry. That's your judgment is it, in March? A Yes, sir.  
 Q You are sure of that are you that she died before the land office opened? A Yes, sir.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cases on said date.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 9TH DAY OF JANUARY 1906.

*Anna Garrigues*

*J. McDermott*  
 Notary Public

HR. WH. 000.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
of Hannah Bluford, deceased, and her deceased child (name unknown),  
Jennie Beaver, deceased, and her deceased child, Joella Beaver, as  
citizens by blood of the Creek Nation:

DECISION.

The record in this case shows that on August 14, 1904, Martha Wilson appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of her niece, Hannah Bluford, deceased, and her deceased child, (name unknown), for her niece, Jennie Beaver, deceased, and her deceased child, Joella Beaver. Further proceedings were had January 3, 1906, Record of proceedings had at Sparks and Uushing, Oklahoma Territory, March 2, 1908, in the matter of establishing the date of the burning of the Charlie Coker post house during the small pox epidemic, which prevailed in the western part of the Creek Nation beginning in the winter of 1898 and ending in the spring of 1902, also report of said Commission filed with the Department in the matter of the right to enrollment of Nellie Fixieu, et al., as citizens by blood of the Creek Nation, are attached to and made part of the record herein.

The evidence in this case is for the most part indefinite as to the dates of death of Jennie Beaver, deceased, and her minor child Joella Beaver, deceased, and the deceased child (name unknown) of Hannah Bluford, but the weight of evidence establishes dates as prior to April 1, 1898, the date of opening of the Creek Land Office. The evidence as to the date of death of Hannah Bluford is indefinite and contradictory and not sufficient to warrant the conclusion that she was living on April 1, 1898.

It is therefore ordered and adjudged that there is no authority of law for the enrollment of said Hannah Bluford, deceased, and her deceased child (name unknown), Jennie Beaver, deceased, and her deceased child, Joella Beaver, as citizens by blood of the Creek Nation and the application for their enrollment as such is accordingly denied.

Muskogee, Indian Territory.

JUN 28 1908

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Hannah Bluford, deceased, and her deceased child (name unknown)  
Jennie Beaver, deceased, and her deceased child, Joella Beaver,  
as citizens by blood of the Creek Nation.

DECISION.

The record in this case shows that on August 14, 1904, Martin Wilson appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of her niece, Hannah Bluford, deceased, and her deceased child, (name unknown), for her niece, Jennie Beaver, deceased, and her deceased child, Joella Beaver. Further proceedings were had January 3, 1906. Record of proceedings had at Sparks and Cushing, Oklahoma Territory, March 3, 1906, in the matter of establishing the date of the burning of the Cherokee Post house during the small pox epidemic, which prevailed in the western part of the Creek Nation beginning in the Winter of 1898 and ending in the Spring of 1899, also report of said Commission filed with the Department in the matter of the right to enrollment of Mollie Fixico, et al., as citizens by blood of the Creek Nation, are attached to and made part of the record herein.

The evidence in this case is for the most part indefinite as to the dates of death of Jennie Beaver, deceased, and her minor child, Joella Beaver, deceased, and the deceased child, (name unknown) of Hannah Bluford, but the weight of evidence establishes such dates as prior to April 1, 1899, the date of opening of the Creek Land Office. The evidence as to the date of death of Hannah Bluford is indefinite and contradictory and not sufficient to warrant the conclusion that she was living on April 1, 1899.

It is therefore ordered and adjudged that there is no authority of law for the enrollment of said Hannah Bluford, deceased, and her deceased child (name unknown), Jennie Beaver, deceased, and her deceased child, Joella Beaver, as citizens by blood of the Creek Nation and the application for their enrollment as such is accordingly denied.

(Signed) Tams Bixby,  
Commissioner.

Muskogee, Indian Territory,  
June 28, 1906.

REPORT IN REPLY TO THE FOLLOWING:

UP. 711.6886

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, Aug 20, 1886.

Martha Wilson,

Maudack, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your niece, Hannah Bluford, deceased, and her deceased child, (name unknown), for your niece Jennie Beaver, deceased, and her deceased child, Follie Beaver, as citizens by blood of the Creek Nation, denying said applications.

The decision with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Register.  
Ex-46.

Comm. solicitor.

UP: 1000

Washoe, Indian Territory, June 20, 1906.

Mr. E. M. 1000,

Attorney for Creek Nation,

Washoe, Indian Territory.

SIR:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Hannah Rufford, deceased, and her deceased child, (name unknown), Fennie Rufford, deceased, and her deceased child, Fuchsia Rufford, as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,



Enc. 24-27.

Commissioner.

Through the Commissioner  
of Indian Affairs.

Gr.M. 658.

Muskogee, Indian Territory, June 29, 1906.

Thomas A. Foreman,

Attorneys for Martha Wilson, et al.,  
Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Hannah Bluford, deceased, and her deceased child, (name unknown), Jennie Beaver and her deceased child, Jessie Beaver, as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-61.



Gr.No.638.

Muskogee, Indian Territory, June 29, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Hannah Bluford and her deceased child, (name unknown), both deceased, Jennie Beaver, deceased, and her deceased child, Joella Beaver, as citizens by blood of the Creek Nation, including the decision of the Commissioner, dated June 28, 1906.

Respectfully,



L4-62.

Commissioner.

Through the Commissioner  
of Indian Affairs.

Copy

Refer in reply to the following:  
Land.

56229-1906.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON. November 21, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is inclosed herewith for Departmental consideration, the report of Commissioner Bixby, dated June 29, 1906, together with the record in the matter of the application of Martha Wilson for the enrollment of Hannah Bluford and her child, (name unknown) both deceased, and of Jennie Beaver and her child, Joella Beaver, both deceased, as citizens by blood of the Creek Nation.

The record shows that Martha Wilson appeared before the Commission to the Five Civilized Tribes at Muskogee, on August 14, 1904, and made application as above, representing to the Commission that Hannah Bluford and Jennie Beaver were her nieces.

It appears from the record that the applicants were afflicted with small-pox during the epidemic which prevailed in the western part of the Creek Nation, beginning in the Winter of 1898 and ending in the spring of 1899; that they were quarantined in what was known as Hillabee pest camp No. 3, and that prior to the raising of the quarantine they all died.

Record of proceedings had at Sparks and Cushing, Oklahoma Territory, March 3, 1905, in the matter of the establishing of the date of the burning of the Charlie Ooker pest house after the epidemic, and the report of the Commission in the case of Mollie Wixie et al., are attached to and made a part of the record.

The evidence adduced to show the exact date of death of the applicants is conflicting and on the whole, rather unsatisfactory. It is quite well established that Jennie Beaver died in February or March, 1899, and that her child, Joella Beaver, died some time previous to that date.

The exact date of the death of Hannah Bluford is not so satisfactorily established. She appears to have been discharged from the camp some time in early March, 1899, and was allowed to go to relatives some distance away. Subsequently she suffered a relapse and was brought back to camp, and died shortly thereafter. Her child seems to have expired some time previous to her death.

Dr. William H. Scott testifies that he was in charge of the pest camps; that he recommended the raising of the quarantine April 1, 1899; that he was ordered to remain 18 days longer and left about April 17, 1899; that the last patient that died was a child of Charlie Ooker; that this death occurred at pest camp No. 3, and that it was sometime thereafter that he recommended the raising of the quarantine. This testimony taken with that of others, seems to establish that Hannah Bluford died prior to April 1, 1899.

A careful consideration of the conflicting testimony in this case leads this Office to the conclusion that the weight of the evidence shows that the death of the parties herein occurred prior to April 1, 1899. It is therefore recommended that Commissioner Bixby's decision of June 28, 1906, to the effect that there is no authority in law for the enrollment of these applicants as citizens by blood of the Creek Nation be approved and the application denied.

Very respectfully, C. F. Larrabee,  
Acting Commissioner.

A. J. W.-NL

DEPARTMENT OF THE INTERIOR, LIA  
WASHINGTON.

J.D.

I.T.D. 84578-1906.

November 26, 1906.

LRA

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

June 28, 1906, you transmitted the record in the matter of the application for the enrollment of Hannah Bluford and her child (name unknown), both deceased, and Jennie Beaver and her child, Jeolla Beaver both deceased, as citizens by blood of the Creek Nation, including your decision dated June 28, 1906, adverse to the applicants.

Reporting November 21, 1906, (Land 86229), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Theo Ryan

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 2 to Ind. Of.

En. 638

Muskogee, Indian Territory, December 7, 1906

Thomas & Foreman,  
Attorneys for Martha Wilson,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that on November 26, 1906 the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes dated June 28, 1906 denying the application for the enrollment of Hanna Bluford and her unnamed child and Jennie Beaver and her child Joella Beaver as citizens by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

En. 890

MUSKOGEE, INDIAN TERRITORY, NOVEMBER 8, 1908.

Mr. J. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory,

Dear Sir:

You are hereby advised that on November 20, 1908, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes dated June 20, 1908 denying the application for the enrollment of Emma Buford and her unnamed child and Emma Buford and her child Emma Buford as citizens by blood of the Creek Nation.

Respectfully,

ARTHUR COMMISSIONER



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 7, 1906.

Martha Wilson,  
Maudack, Indian Territory.

Dear Madam:

You are hereby advised that on November 26, 1906 the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes dated June 28, 1906 denying the application for the enrollment of your niece Hanna Bluford, deceased and her deceased child, name unknown, and for your child Jennie Beaver, deceased and her deceased child, Joella Beaver as citizens by blood of the Creek Nation.

Respectfully,

W. C. Beale

Register.

Acting Commissioner

CR EN 636

CR EN 636



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 18, 1904.

In the matter of the application for the enrollment of Easter,  
Joe, Robert, Hettie, Howard, Essie, Leonard, Luther, ~~Howard~~ and  
Prince Smith, Eugie Baker and Versie Bruce, as Creek Freedmen.

( Martin & Gidney attorneys for  
APPEARANCES: applicants.  
( M. L. Vott attorney for Creek Nation.

EASTER SMITH, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Easter Smith.  
Q What is your age? A I can't tell my age.  
Q As near as you can tell? A I can't tell.

The witness appears to be at least 60 years of age.

- Q What is your post office address? A Muskogee,  
Q Do you make application to be enrolled as a Creek Freedman? A  
Yes, sir.  
Q Have you ever been before the Commission before? A No, sir.  
Q Never was? A No, sir.  
Q Have you got some grandchildren for whom you wish to apply? A  
Yes, sir.  
Q What are their names? A Eugie Baker.  
Q How old is Eugie? A Sixteen I believe.  
Q What is the name of the next one? A Versie Bruce?  
Q How old is she? A Going on nine years old.  
Q Are they alive and living with you? A Yes, sir.  
Q Have they the same mother? A No, sir.  
Q What is the name of the father of Eugie? A William Baker.  
Q Do you claim that William Baker had any rights in the Creek  
Nation? A He is a state man.  
Q What is the name of her mother? A Gusie Baker.  
Q Is she your daughter? A Yes, sir.  
Q Is she living? A Died.  
Q What is the name of Versie Bruce's father? A Seb Bruce.  
Q Did he have any rights in the Creek Nation? A State man.  
Q What is the name of her mother? A Hattie Bruce.  
Q Is she your daughter? A Granddaughter.  
Q What is the name of Hattie's father? A William Baker.  
Q Is he a state man? A Yes, sir.  
Q What is the name of Hattie's mother? A Gusie Baker.  
Q And Gusie is your daughter? A Yes, sir.  
Q Where do you live? A I been in the states----been staying and  
working around in the states.  
Q What state? A Down about Red River County.  
Q In Texas? A Yes, sir.  
Q How long have you been living in the state of Texas? A Ever  
since the War.  
Q Did you go there before or during the War? A Before the War.  
Q How long have you been in the Creek Nation? A I come here last  
-----  
Q Been here a year? A Not quite a year.  
Q Did you live all you life in Texas until you come here not quite  
a year ago? A Bred and born in the Nation.

Master Smith of St. Louis:

Q You went to Texas during the war did you? A Before the war.  
Q Did you live there from that time up to nearly a year ago? A  
Yes, sir. I been there and then I went back there.  
Q How long did you stay there? A A week.  
Q Was that a visit you made? A Just come out here to see my folks.  
Q Where was your daughter when you were there? A In Texas.  
Q Did she live in Texas all her life until she died? A Yes, sir.  
Q Did you ever draw any money from the Creek Nation? A No, sir.  
Q Was any money ever drawn for any of these children from the Creek  
Nation? A No, sir.  
Q To what town in the Creek Nation do you claim to belong? A I  
know the town but I forget it.  
Q Have you ever been married? A Yes, sir.  
Q What was the name of your husband? A George Smith.  
Q Ever been married more than once? A Yes, sir.  
Q What is the name of the other husband? A Ben Bruner.  
Q When you married to him before the war? A Yes, sir. He died  
after I was sold out of here.  
Q You were sold out of the Nation before the war? A Yes, sir.  
Q You never belonged to a Union with an other that time? A No,  
sir.

THE JURY WILL REMAIN AND THE PROSECUTOR HAS REQUESTED ON  
MAIN FOLD:

By Mr. Martin:  
Q How did you happen to be in the State of Texas during the war?  
A I was stolen away from here.

By the witness:  
Q Do you mean you were stolen from home? A Yes, sir.  
Q You mean you were the slave of some person in Texas? A Yes, sir.  
Q Were you ever a slave of a Union soldier after that time? A  
Never was back in the Creek Nation.

By Mr. Martin:  
Q At the time you were stolen from the Creek Nation by whom were  
you owned? A Annie Kernal.  
Q Why was it you never came back to the Territory sooner to make  
application? A I wasn't able to come.  
Q You came back as soon as you were able to come? A Yes, sir.  
Q Have you any relatives here in the Territory now? A Yes, sir.  
Q Who are some of them? A Jane Lewis.  
Q What kin are you to her? A I am her aunt.  
Q You know George Lewis? A Yes, sir.  
Q What kin you to him? A I am his aunt.  
Q Are they both on the Creek Roll? A Yes, sir.  
Q You say you never have received any money from the Creek Nation?  
No, sir.  
Q Did you ever apply for any? A No, sir.  
Q How old were you when you were taken to Texas? A I don't know  
how old I was. I was a mother of five children when I was taken to  
Texas.  
Q What place in the Creek Nation did you live before you were taken  
to Texas? A Given on Keren Fork.

THE WITNESS, being duly sworn, testified as follows:

By the witness:  
Q What is your name? A Joe Smith.  
Q What is your age? A About thirty-five or forty.  
Q What is your job or trade? A Farmer.  
Q Are you the son of Master Smith? A Yes, sir.

Easter Smith et al.,--5.

Q What is the name of your father? A George.  
Q Do you claim that he had any rights in the Creek Nation? A No, sir.  
Q State man was he? A Yes, sir.  
Q Do you make application for your enrollment as a Creek Freedman? A Yes, sir.  
Q Have you some children for whom you wish to apply? A Yes, sir.  
Q Name them? A Robert.  
Q How old is he? A Twenty.  
Q What is the name of the next? A Hettie.  
Q How old is she? A Eighteen.  
Q What is the next? A Howard.  
Q How old is he? A Between 16 and 17.  
Q What is the next? A Essie.  
Q How old is she? A Between 15 and 16.  
Q What is the name of the next? A Ianard.  
Q How old is he? A Between 12 and 14.  
Q What is the name of the next one? A Luther.  
Q How old is he? A Just about two years difference in their ages.  
Q What is the name of the next? A Prince? A  
Q How old is Prince? A Seven.  
Q Is that all? A Yes, sir.  
Q Are these children all alive? A Yes, sir.  
Q Are they living with you? A Yes, sir.  
Q What is the name of their mother? A Mariah.  
Q Has she any rights in the Creek Nation? A No, sir.  
Q Is she a state woman? A Yes, sir.  
Q You the father of these children? A Yes, sir.  
Q Where were you born? A Texas I guess.  
Q Where were you when you could first remember? A Texas.  
Q Where do you live now? A Creek Nation.  
Q How long you been in the Creek Nation? A Since the 17th day of last December.  
Q Did you live all your life in Texas up to that time? A Yes, sir.  
Q Have you ever drawn any money from the Creek Nation? A No, sir.  
Q Did you ever draw any money for any of these children from the Creek Nation? A No, sir.  
Q Do your rights in the Creek Nation, if you have any, come through your mother? A Yes, sir.  
Q Come that way alone? A Yes, sir.

By Mr. Martin.

Q Have you ever made application before to be enrolled as a Creek Freedman? A Been in here and left the names. They were turned over to the Town King and he failed to pay any attention to it.  
Q What is the name of the Town King? A I don't remember now.  
Q What town do you claim to be a member of? A Canadian Colored Town.  
Q How long ago was it that you applied to the Town King for enrollment? A It has been---I can't get right at---between 7 and 8 years maybe 9.  
Q Why was it you never returned to the Indian Territory before you did then? A I wasn't able to get here. We were so poor.  
Q How long have you known or been told that you had a right in the Creek Nation as a Freedman? A My mother has been talking about that all my life.  
Q You came as soon as you were able to come? A Yes, sir.

JANE LEWIS, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Jane Lewis.  
Q How old are you? A About forty-nine.  
Q What is your post office address? A Muskogee.

Easter Smith et al., ---4.

By Mr. Martin.

- Q What relation are you to Easter Smith? A She is my aunt.  
Q How long have you known her? A Ever since I was a child.  
Q Do you remember when she was taken away? A No, sir. She was at her home and I was at mine.  
Q Do you know the circumstances of her being taken away. That is was she stolen or sold? A I never heard that she was sold but heard she was stolen.  
Q Do you know where she was taken when she was stolen? A I don't know.  
Q Did you know her when she was taken away? A Yes, sir.  
Q Did she have Joe here (indicating party who testified under the name of Joe Smith) when she was taken away? A No, sir.  
Q How long after she was stolen was it before she came back to the Territory? A I can't tell that.  
Q When did you first know her after she come back? A Ever since she came to my house.  
Q When was that? A Ten years ago this coming December.  
Q Did you know whether she made any effort to be placed on the Creek Rolls? A She left the list of herself and children with me to give to the Town King.  
Q Who was the Town King? A Henry Reed.  
Q What town do these people claim to be citizens of? A Canadian.  
Q What did Henry Reed do with the paper you gave him? A I can't tell you?  
Q Has Easter or any of her children ever received any money from the Creek Nation? A I don't know.  
Q Do you know Joe Smith? A Known him since he come here with her.  
Q What kin are you to him? A Brother and Sister's children.  
Q Are you an enrolled citizen of the Creek Nation? A Yes, sir.

GEORGE LEWIS; being duly sworn, testified as follows:

By Commission:

- Q What is your name? A George Lewis.  
Q What is your age? A About forty.  
Q What is your post office address? A Chocka.

By Mr. Martin.

- Q You are a citizen of the Creek Nation? A Yes, sir.  
Q Have you lived in the Creek Nation all your life? A Yes, sir.  
Q Do you know Easter Smith? A Yes, sir.  
Q What relation are you to her? A I am her nephew.  
Q Do you know Joe Smith? A Yes, sir.  
Q What relation are you to him? A I guess he is my second cousin.  
Q What relation was your mother and Joe's mother? A They were sisters.  
Q Then Joe is your first cousin? A Yes, sir.  
Q How long have you know Easter Smith and Joe Smith? A About ten or eleven years ago.  
Q Did you know Easter Smith before she was stolen from the Territory? A I was small at that time but just remember her just a little.  
Q How long after that was it before you saw her again? A Ten or eleven years ago.  
Q Did you know where she was taken when she was stolen? A No, sir. I do not know.  
Q Do you remember of her having made application before to be enrolled as a Creek Freedman? A Yes, sir.  
Q When was that? A I can't tell exactly what time it was.

By Commission:

- Q Who did she make that application to? A She made out an application and gave it to Jane Lewis there to give to Henry Reed, who was Town King at that time.

Hester Smith et al.,---5.

By Mr. Martin.  
Q Of what town did she claim to be a member? A Canadian.

By Commission:

The Dunn Roll examined and Joe Smith not identified thereon.

The Tribal Rolls of the Creek Nation, in the possession of the Commission, examined and none of the applicants herein identified thereon.

The Records of the Colbert Commission examined and it does not appear that application was made to that Commission, for citizenship in the Creek Nation, for any of the applicants herein.

The proceedings of this Commission, under the act of June 10, 1896 (29 Stat., 321), examined and it does not appear that application was made to this Commission, for citizenship in the Creek Nation, for any of the applicants herein.

---oooOOOooo---

I, Drennan C. Skaggs, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 29th day of August, 1904.

Charles V. Sawyer  
Notary Public.



No. 636.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-101-

In the matter of the application for the enrollment of Master, Joe, Robert, Nettie, Howard, Essie, Leonard, Luther and Prince Smith, Eugene Baker and Versie Bruce as Creek Freedmen.

- I M P O R T A N T -

-----O-----

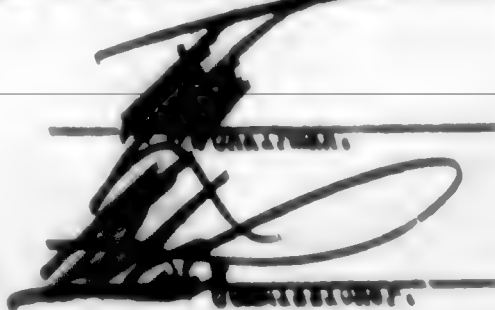
The record in this case shows that on August 18, 1904, Master Smith appeared before the Commission and made application for the enrollment of herself and her two minor grandchildren, Eugie Baker and Versie Bruce, as Creek Freedmen, and that on the same day Joe Smith appeared before the Commission and made application for the enrollment of himself and his seven minor children, Robert, Nettie, Howard, Essie, Leonard, Luther and Prince Smith, as Creek Freedmen.

It appears from the evidence that none of the applicants are identified on the roll of Creek Freedmen made by J. W. Dunn, prior to March 14, 1887, nor are they, or any of them, descendants of a person whose name is found on said roll.

It does not appear that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor does it appear that they, or any of them, have ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Master Smith, Joe Smith, Robert Smith, Nettie Smith, Howard Smith, Essie Smith, Leonard Smith, Luther Smith, Prince Smith, Eugie Baker and Versie Bruce as Creek Freedmen, and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
\_\_\_\_\_  
Commissioner.  
  
C. R. Anderson.  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory.

COPY,

Creek En 686

Muskogee, Indian Territory, January 10, 1908.

Doctor Smith,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and your minor grandchildren, Eugie Baker and Vernie Bruce, as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the secretary of the interior for his review and decision. The final decision of the secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

W. H. H. H.

James D. Kirby.

Chairman.

Respectfully,

J. H. H. H.



COPY.

Crack In 636

Luskague, Indian Territory, January 18, 1908.

Joe Smith,

Choska, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, Robert, Kettie, Howard, Kessie, Lenard, Luther and Prince Smith, as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, in this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

Tame Dixby.

Chairman.

Register.

JY-10-00.

COPY.

X5X

Creek In 636

Muskogee, Indian Territory, January 18, 1906.

Martin & Sidney,

Attorneys for Easter Smith,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Easter Smith, et al., as Creek freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

Tamc Bixby.

Chairman.

JYK-18-87.

COPY.

*NH*  
Creek No 686

Muskogee, Indian Territory, January 18, 1905.

M. L. Mott,  
Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the applications for the enrollment of Master Smith, et al., as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED

*James D. Dixby*

Chairman.

JY-18-80.

6071

6071 10 100

Muskogee, Indian Territory, January 10, 1908.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Master Smith, et al, a Creek Indian, including the decision of the Commission, dated January 6, 1908.

Respectfully,

Very truly yours,

John H. ...

Chairman.

Through the  
Commissioner of Indian Affairs.  
J. H. ...

W.C.P.

DEPARTMENT OF THE INTERIOR,  
Washington. THE

I.T.D. 1022-1905  
L R S

April 3, 1905.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

January 18, 1905, you transmitted the record in the matter of the application for the enrollment of Easter Smith, et al (Creek No 636), as Creek Freedmen, including your decision of January 5, 1905, which was adverse to the applicants.

Reporting January 27, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan

Acting Secretary

1 inclosure

Refer in reply to the following  
Land  
5682-1905

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington, January 27, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 18, 1905, transmitting the record of the application, made August 18, 1904, for enrollment as Creek Freedmen by Easter Smith for herself and her two minor grandchildren, Eugie Baker and Versie Bruce, and by Joe Smith for himself and his seven minor children, Robert, Hettie, Howard, Leonard, Essie, Luther and Prince Smith.

January 5, 1905, the Commission decided adversely to all the applicants.

The record shows that no prior application has been made; that none of the applicants are identified on the Dunn roll nor are they descendants of a person so identified, and that none of them have ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C F Larrabee  
Acting Commissioner

M M M  
W

*S. M.*

Cr. Fr. 636.

Muskogee, Indian Territory, April 19, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of April 8, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1906, denying the application for the enrollment of Easter Smith et al., as Creek Freedmen.

Respectfully,

Chairman.



*Q. H.*  
Cr.Pr.636.

Muskogee, Indian Territory, April 19, 1905.

Joe Smith,

Choska, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of April 8, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, denying the application for the enrollment of yourself and your seven minor children, Robert, Hettie, Howard, Essie, Lenard, Luther and Prince Smith, as Creek Freedmen.

Respectfully,

Chairman.

S. D.

Gr. Fr. 674.

Muskogee, Indian Territory, April 19, 1906.

Easter Smith,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of April 8, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, denying the application for the enrollment of yourself and your two minor grandchildren, Eugie Baker and Versie Bruce, as Creek Freedmen.

Respectfully,

Chairman.

*P. al.*

Cr. Fr. 636.

Muskogee, Indian Territory, April 19, 1905.

Martin & Gidney,

Attorneys for Easter Smith et al.,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of April 8, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, denying the application of Easter Smith for the enrollment of herself and her two minor grandchildren, Eugie Baker and Versie Bruce, as Creek Freedmen.

Respectfully,

Chairman.

CR EN 637

CR EN 637

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 17, 1904.

In the matter of the application for the enrollment of Alice,  
Fred, Jake and Wiley Gaskine as Creek Freedmen.

Alice Gaskine being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Alice Gaskine.  
Q How old are you? A Twenty-four.  
Q What is your post office address? A Broken Arrow.  
Q Do you make application to be enrolled as a Creek Freedman? A Yes sir.  
Q Have you some children for whom you wish to make application? A Yes sir.  
Q What is the name of your oldest? A Fred.  
Q How old? A Nine.  
Q Next? A Jake; eight.  
Q Next? A Five; Wiley.  
Q Are these children living? A Yes sir.  
Q Are they living with you? A Yes sir.  
Q What is the name of their father? A Joe Gaskine.  
Q Is he living? A Yes sir.  
Q Do you claim that the father of these children has any rights in the  
Creek Nation? A No sir; he hasn't any rights.  
Q State man, is he? A Yes sir.  
Q What is the name of your father? A John Canard, yes sir.  
Q Was he a Creek citizen? A Yes sir.  
Q Was he a Creek freedman? A Yes sir.  
Q What town did he belong to? A I don't know; he died before I knew  
myself.  
Q How old are you? A Twenty-four; I was born in '79 I think.  
Q Have you any brothers and sisters? A Yes sir.  
Q What are their names? A Sam Roberts and Perry Colbert.  
Q Is Sam Roberts living? A No sir, dead.  
Q What is the name of the next? A Perry Colbert.  
Q Is he living? A Yes sir.  
Q Is that your father's son? A No sir; my half brother.  
Q What is the name of your mother? A Annie Canard; she's married now.  
Q Is she living? A Yes sir.  
Q A citizen of the Creek Nation? A No sir, a state woman.  
Q Perry Colbert's father and yours are not the same? A No sir.

The Dunn roll is examined and the father of the principal applicant not identified thereon.

Q Do you know whether your father was ever called by any other name?  
A No sir, I don't.  
Q Did you ever draw any money from the Creek Nation? A Yes sir.  
Q When? A I drew it at mother's; Robert and Jake Roberts, and Sallie  
Roberts.  
Q Did they draw the money for you? A Yes sir, the \$29 payment.  
Q The \$2? A Yes sir.  
Q Did they have any children-- Sallie and Jake Roberts? A He did but  
she didn't.  
Q What are their names? A Jake Robert's children? George and Rufus  
Roberts.

Q You say Sallie Roberts raised you? / Yes sir.  
 Q Who else was living in that family when the 1899 was paid? / Those two folks that raised me.  
 Q Anyone else? / No sir; I don't know, whether papa drew for anybody else or not.  
 Q Who is papa? / The old man Jake Roberts that raised me; I call him papa.  
 Q Do you know anybody by the name of Pally Johnson? / Yes sir.  
 Q Who is she? / She is a cousin to Sallie Roberts.  
 Q Did she live in Sallie Robert's family? / Yes sir.  
 Q When? / She has been there about ten years; until she died about ten years.  
 Q Did she live with them when that 1899 payment was made? / I don't remember whether she was or not; but I don't hardly think she was.  
 Q Was she any kin to them? / Kin to Sallie Roberts, yes sir.  
 Q Were you any kin to Sallie Roberts? / No sir, no kin at all.  
 Q How old were you when she took you to raise? / I guess from the way she told me I must have been about 3 or 4 weeks old.  
 Q How long did you live with her? / Until I married.  
 Q Is she married? / No sir; she's dead.  
 Q Did you say she has no children at all? / Yes sir I heard her say that of one died; lost them all.  
 Q Did she have any children living with her when she drew the 1899 for you? / No sir, I was the only one there.  
 Q Is Jake Roberts living? / Yes sir; his wife is dead though.  
 Q Where Jake and Sallie living together at that time? / Yes sir.  
 Q Is Jake here now? / No; he is at Broken Arrow.

The records of the Commission show that Jake Roberts has been listed for enrollment as a member of Arkansas town.

Q Is Sallie Roberts her correct name? / Yes sir.  
 Q Was she called by any other name? / The people where she was raised at called her Charlotte but when she would sign any business at all it was Sallie.  
 Q What town do you claim to belong to-- do you know? / No sir, I don't

The 1890 authenticated tribal roll of the Creek Nation examined and Sallie Roberts identified thereon at page 161, North Fork town. The following notation appears opposite her name in pencil: "Charlotte". The following names are found in that family: Allie Roberts Pally Roberts; no other person appearing in that family.

Q By what name were you known when you were a child? / Roberts; that's what they taken me.  
 Q When did you find out that wasn't your name? / I was nearly grown.

The 1895 roll of the Creek Nation examined and the applicant not identified thereon. The 1895 doubtful roll of the Creek Nation examined and the applicant not identified thereon.

Q You didn't draw the 1899 payment? / Well, they didn't draw it for me.

Q Who did? / Old man Jake.  
 Q Did he draw for any of your children? / No sir, they wasn't in that time.  
 Q Can you get Jake Roberts here? / He is old and feeble.  
 Q Why is it you haven't made application before now to be enrolled? / Well, I kept waiting on him and I didn't have anyone to see about it for me and I had children to see to.  
 Q Were you ever known by any other name except Roberts? / No sir.

John Harris being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John Harris.  
Q How old are you? A About 47.  
Q What is your post office address? A Muskogee.  
Q Do you know Alice Gaskine? A Yes sir.  
Q How long have you known her? A About 18 years.  
Q Who was she living with when you first knew her? A Wallie and Jake Roberts.  
Q Did you know her father? A Yes sir.  
Q What was his name? A His first name? I will explain it to you; we were raised together; Kellop Murray raised her; Anthony Murray raised her; you will find him in the family of Anthony Murray.  
Q Is your name on the Dunn roll? A Yes sir.  
Q You think this man's name ought to be on the Dunn roll? A Yes sir.  
Q How was he known when he was a boy? A John Anthony; you will find him in the family of Anthony Murrell--Arkansas.

The Dunn roll examined and the father of the principal applicant herein is not found in the family of Anthony Morrill.

- Q How long has this woman's father been dead? A Well, I would just make a guess about 25 years; not that I know.  
Q You say Anthony Morrill raised him? A Yes sir; now, he was half Indian; he might be on the Indian roll.  
Q Was his mother a freedman or his father? A His mother; if I am not mistaken. I won't be certain about that but he raised him.  
Q You say they called him John Anthony when he was a boy? A That's the way they always called him.  
Q What was his real name? A I don't know any more than that; after he become a man it was something else.  
Q What was it, do you know? A John Canard.  
Q He was never called John Morrill? A Well, he might have been.  
Q Do you know Jake Roberts? A Yes sir.  
Q Did you live close to him? A ~~Yes sir~~ No sir, I don't.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 29<sup>th</sup> day of August, 1904.

*Charles J. Dunson*

Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Alice, Fred, Jake and Wiley Gaskine as Creek Freedmen.

DECISION.

The record in this case shows that on August 17, 1904, Alice Gaskine appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her three minor children, Fred, Jake and Wiley Gaskine, as Creek Freedmen.

The evidence shows that said Fred, Jake and Wiley Gaskine are the minor children of said Alice Gaskine, and that said Alice Gaskine is identified on the 1890 Authenticated Tribal Roll of the Creek Nation, and that her name is not found on the 1895 Doubtful Roll of said nation.

The evidence further shows that said Fred and Jake Gaskine were born prior to April 1, 1899, that said Wiley Gaskine was born prior to July 1, 1900, and that all of the applicants herein were living at the date of the application herein, and that they have resided in Indian Territory all their lives.

It is, therefore, the opinion of the Commission that said Alice Gaskine, Fred Gaskine and Jake Gaskine should be enrolled as Creek Freedmen under authority of the acts of Congress, June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and that said Wiley Gaskine should be enrolled as a Creek Freedman under authority of the act of Congress, March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

CHAIRMAN

COMMISSIONER

COMMISSIONER

MUSKOGEE, INDIAN TERRITORY,

JUN 14 1905

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 17, 1904.

In the matter of the application for the enrollment of Alice,  
Fred, Jake and Wiley Gaskine as Creek Freedmen.

Alice Gaskine being duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Alice Gaskine.  
Q How old are you? A Twenty-four.  
Q What is your post office address? A Broken Arrow.  
Q Do you make application to be enrolled as a Creek Freedman? A Yes sir.  
Q Have you some children for whom you wish to make application? A Yes sir.  
Q What is the name of your oldest? A Fred.  
Q How old? A Nine.  
Q Next? A Jake; eight.  
Q Next? A Five; Wiley.  
Q Are these children living? A Yes sir.  
Q Are they living with you? A Yes sir.  
Q What is the name of their father? A Joe Gaskine.  
Q Is he living? A Yes sir.  
Q Do you claim that the father of these children has any rights in the Creek Nation? A No sir; he hasn't any rights.  
Q State man, is he? A Yes sir.  
Q What is the name of your father? A John Canard, yes sir.  
Q Was he a Creek? A Yes sir.  
Q Was he a Creek freedman? A Yes sir.  
Q What town did he belong to? A I don't know; he died before I knew myself.  
Q How old are you? A Twenty-four; I was born in '79 I think.  
Q Have you any brothers and sisters? A Yes sir.  
Q What are their names? A Sam Roberts and Perry Colbert.  
Q Is Sam Roberts living? A No sir, dead.  
Q What is the name of the next? A Perry Colbert.  
Q Is he living? A Yes sir.  
Q Is that your father's son? A No sir; my half brother.  
Q What is the name of your mother? A Annie Canard; she's married now.  
Q Is she living? A Yes sir.  
Q A citizen of the Creek Nation? A No sir, a state woman.  
Q Perry Colbert's father and yours are not the same? A No sir.

The Dunn roll is examined and the father of the principal applicant not identified thereon.

- Q Do you know whether your father was ever called by any other name?  
A No sir, I don't.  
Q Did you ever draw any money from the Creek Nation? A Yes sir.  
Q When? A I drew it at mother's; Robert and Jake Roberts, and Sallie Roberts.  
Q Did they draw the money for you? A Yes sir, the \$29 payment.  
Q The \$29? A Yes sir.  
Q Did they have any children-- Sallie and Jake Roberts? A He did but she didn't.  
Q What are their names? A Jake Robert's children? George and Rufus Roberts.

Q You say Sallie Roberts raised you? A Yes sir.  
Q Who else was living in that family when the \$29 was paid? A These two folks that raised me.  
Q Anyone else? A No sir; I don't know, whether papa drew for anybody else or not.  
Q Who is papa? A The old man Jake Roberts that raised me; I call him papa.  
Q Do you know anybody by the name of Polly Johnson? A Yes sir.  
Q Who is she? A She is a cousin to Sallie Roberts.  
Q Did she live in Sallie Robert's family? A Yes sir.  
Q When? A She has been there about ten years; until she died here about ten years.  
Q Did she live with them when that \$29 payment was made? A I can't remember whether she was or not; but I don't hardly think she was.  
Q Was she any kin to them? A Kin to Sallie Roberts, yes sir.  
Q Were you any kin to Sallie Roberts? A No sir, no kin at all.  
Q How old were you when she took you to raise? A I guess from the way she told me I must have been about 3 or 4 weeks old.  
Q How long did you live with her? A Until I married.  
Q Is she ~~maximixix~~ living? A No sir; she's dead.  
Q Did you say she had no children at all? A Yes sir I heard her speak of one died; lost them all.  
Q Did she have any children living with her when she drew the \$29 for you? A No sir, I was the only one there.  
Q Is Jake Roberts living? A Yes sir; his wife is dead though.  
Q Were Jake and Sallie living together at that time? A Yes sir.  
Q Is Jake here now? A No; he is at Broken Arrow.

The records of the Commission show that Jake Roberts has been listed for enrollment as a member of Arkansas town.

Q Is Sallie Roberts her correct name? A Yes sir.  
Q Was she called by any other name? A The people where she was raised at called her Charlotte but when she would sign any business at all it was Sallie.  
Q What town do you claim to belong to-- do you know? A No sir, I don't

The 1890 authenticated tribal roll of the Creek Nation examined and Sallie Roberts identified thereon at page 161, North Fork town. The following notation appears opposite her name in pencil: "Charlotte". The following names are found in that family: Alice Roberts  
Polly Roberts; no other person appearing in that family.

Q By what name were you known when you were a child? A Roberts; that's what they taken me.  
Q When did you find out that wasn't your name? A I was nearly grown.

The 1898 payroll of the Creek Nation examined and the applicant not identified thereon. The 1898 doubtful roll of the Creek Nation examined and the applicant not identified thereon.

Q You didn't draw the \$14 payment? A Well, they said they drew it for me.  
Q Who did? A Old man Jake.  
Q Did he draw for any of your children? A No sir, they wasn't in that time.  
Q Can you get Jake Roberts here? A He is old and feeble.  
Q Why is it you haven't made application before now to be enrolled?  
A Well, I kept waiting on him and I didn't have anyone to see about it for me and I had children to see to.  
Q Were you ever known by any other name except Roberts? A No sir.

John Harris being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John Harris.  
Q How old are you? A About 47.  
Q What is your post office address? A Muskogee.  
Q Do you know Alice Gaskine? A Yes sir.  
Q How long have you known her? A About 18 years.  
Q Who was she living with when you first knew her? A Wallie and Jake Roberts.  
Q Did you know her father? A Yes sir.  
Q What was his name? A His first name? I will explain it to you; we were raised together; Kellop Murray raised her; Anthony Murray raised her; you will find him in the family of Anthony Murray.  
Q Is your name on the Dunn roll? A Yes sir.  
Q You think this man's name ought to be on the Dunn roll? A Yes sir.  
Q How was he known when he was a boy? A John Anthony; you will find him in the family of Anthony Murrell---Arkansas.

The Dunn roll examined and the father of the principal applicant herein is not found in the family of Anthony Morrill.

- Q How long has this woman's father been dead? A Well, I would just make a guess about 25 years; not that I know.  
Q You say Anthony Morrill raised him? A Yes sir; now, he was half Indian he might be on the Indian roll.  
Q Was his mother a freedman or his father? A His mother; if I am not mistaken. I won't be certain about that but he raised him.  
Q You say they called him John Anthony when he was a boy? A That's the way they always called him.  
Q What was his real name? A I don't know any more than that; after he become a man it was something else.  
Q What was it, do you know? A John Canard.  
Q He was never called John Morrill? A Well, he might have been.  
Q Do you know Jake Roberts? A Yes sir.  
Q Did you live close to him? A ~~Yes~~ No sir, I don't.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains.*

Subscribed and sworn to before me this 26<sup>th</sup> day of August, 1904.

*Charles F. Scammon*

Notary Public.

Muskogee, Indian Territory, June 15, 1908.

H. L. Kott,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Alice, Fred and Jake Gaskins as Creek Freedmen.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to file protest against said decision, and if, at the expiration of that time, no protest has been filed, said persons will be regularly listed for enrollment as Creek Freedmen.

Respectfully,

Chairman.

JYM-15-18



Cr En 637

Kuskogee, Indian Territory, October 2, 1905.

Alice Gaskine,

Broken Arrow, Indian Territory.

Dear Madam:

You are hereby advised that the name of yourself and your minor children, Fred, Jake and Wiley Gaskine, are contained in the partial list of Creek Freedmen approved by the Secretary of the Interior September 21, 1905, and that application for selections of land in the Creek Nation for yourself and your said minor children may now be made at the Office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 638

CR EN 638



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, August 8, 1906.

In the matter of the application for the enrollment of  
Prissie Carruthers as a Creek freedman.

Prissie Carruthers, being duly sworn, testified as follows:

By Commissioner.

Q What is your name? A Prissie Carruthers.

Q How old are you? A About forty five.

Q What is your post office address? A Haskell

Q Do you live in the Creek Nation at the present time? A Yes, sir

Q How long have you lived in the Creek Nation? A Pretty much  
ever since I was born

Q Do you know to what Creek Indian town you belong? A Sodom.

Q Are you a member of Arkansas town? A Yes, sir.

Q Did you draw money at the time of the \$29.00 payment? A I don't  
remember.

Q You don't remember drawing that \$29.00 ? A No, sir

Q Did you draw any money at the time of the \$14.00 payment?

A They said there was money drawn for me at that time but I was  
sick.

Q What was your name at that time? A Prissie McIntosh.

Q Were you a slave or a Creek citizen before the war? A I wasn't  
old enough.

Q You gave your age as forty five that would make you born in  
1860 the war began in 1861 and ended some time in 1865, now  
don't you know whether you or your mother were slaves during  
the war? A My mother was

Q Did your mother go out of the Creek Nation during the war?

A I don't know

Q What was your mothers name? A Minerva.

Q Was her name McIntosh? A Yes, sir.

Q What was the name of your father? A Lewis McIntosh.

Q Were your father and mother Indians or negroes? A My father was  
a full blood Indian

Q And your mother was a freedman was she? A She was part Indian

Q Do you know who was your mother's owner before the war?

A McIntosh

Q What was his first name? A I think it was my father's father.

Q How long has your mother been dead? A I couldn't tell you

Q Were you a little girl or were you grown up when she died?

A I was small.

Q Did your father die when you were small? A I can't remember  
my father.

Q Do you know what Creek Indian town your father belonged to?

A I don't know.

Q Had you any sisters and brothers? A I was my mother's only child

Q Did your mother have any brothers or sisters living after the  
war? A I think she did

Q Do you know the names of any of her brothers and sisters?

A I remember one named Dave

Q Was he called Dave McIntosh? A Yes, sir

Q You don't remember any other brothers and sisters do you?

A No, sir, I don't think I do

William McIntosh, being duly sworn, testified as follows:

- Q What is your name? A William McIntosh.  
Q What is your age? A About 68  
Q What is your post office address? A Ridge.  
Q Do you know Prissie Carruthers the applicant in this case?  
A I know her by the parties she claims to be related to  
Q Did you know Minerva McIntosh when she claims to be her mother?  
A Yes I know her because of her owners here  
Q Was Minerva McIntosh in the Creek Nation when peace was declared  
A No, sir, died in the latter part of the war, she was out of the nation down in Texas  
Q Did she leave the Creek Nation during the war? A She left the Creek Nation before the war, she went down there was sold to Mrs Hawkins sister in Texas, Mrs Hawkins had a son that Minerva belonged to  
Q And he sold her down in Texas? A Yes, sir  
Q She died then before the war was over? A Yes, sir.  
Q And Minerva's father was a white man and her mother a colored woman? A Yes, sir.  
Q Did you know Prissie Carruthers father? A Yes, sir  
Q What was his name? A Lewis McIntosh.  
Q He was an Indian was he? A He was a half breed  
Q Did he come back to the Creek Nation after the war? A He must have died down some where on Red river after peace. He never came back.  
Q When did you first see Prissie Carruthers? A Some five or six months ago  
Q What town did her father belong to? A Broken Arrow

Prissie Carruthers recalled.

- Q With whom did you live when you came back to the Creek Nation?  
A I lived with Aunt Lena and Uncle Tobe.  
Q What was their name McIntosh? A It was McIntosh  
Q What was Tobe's name? A McIntosh. I lived with Aunt Jennie for a while  
Q What was her name? A Jennie McIntosh.  
Q How old were you when you first remember being in the Creek Nation? A I was here all the time  
Q You were in the Creek Nation when you first remember were you?  
A Yes, sir  
Q Were you ever called by any other name than McIntosh or Carruthers? A They called me Blue Dumplings some times  
Q Do you know anybody named Israel Hawkins? A Yes, sir  
Q Who is he? A He used to live over the river.  
Q Did you ever live in his family? A I think I did when I was small.  
Q Do you know Louisa Hawkins? A Yes, sir  
Q Who was she? A She used to live over the river.  
Q Is she Israel's wife? A I think so  
Q Do you know Lydia Hawkins? A Yes, sir, I used to call her grandma  
Q Do you know Harry Hawkins? A Yes, sir  
Q Do you know Rennie Hawkins? A I don't remember  
Q Do you know Mitchell Hawkins? A No, sir  
Q Polly Hawkins? A No, sir  
Q Do you know Buck Hawkins? A I don't remember  
Q Do you know Mollie Hawkins? A Yes, sir, I think so  
Q Is Israel Hawkins living? A I don't know.

William McIntosh recalled.

Q You heard the names that I just read off to the applicant?

A I know that family

Q Was there any one in that family named Prissie Hawkins?

A Mollie had two girls, Prissie and Louisa

Q Was that Prissie Hawkins a daughter of Louisa

A After Prissie died Louisa had a daughter and they named her Prissie

Q Mollie's daughter Prissie indeed? A Yes, sir, she died away before the war

Q Was Louisa's child Prissie born before or after peace was made?

A Before the war, she was living at the time peace was made

The name Precy Hawkins in the family above referred to and identified as the daughter of Louisa Hawkins is the only name resembling that of the applicant appearing on the roll of Creek freedman made by J.W.Dunn prior to March 14, 1867

The 1890 authenticated tribal roll of the Creek Nation examined and the applicant herein not identified on said roll

The 1895 pay roll of the Creek Nation Arkansas Town, examined and the applicant is not identified on said roll. The Dunn roll is further examined and neither the mother or the father of the applicant is identified on the said roll

The 1891 and 1895 Omitted roll examined and the name of the applicant not found on either of said rolls.

John Francis, being duly sworn, testified as follows:

Q What is your name? A John Francis

Q What is your age? A 73

Q What is your post office address? A Eufaula

Q Are you a citizen of the Creek Nation? A Yes, sir

Q Do you know this applicant Prissie Carruthers? A Yes, I know her

Q Did you know her father? A Yes, sir

Q What was her father's name? A Lewis McIntosh.

Q Was he an Indian? A Yes, sir

Q Was a full blood? A No half breed, his mother was a full blood

Q Was his father a white man? A I guess he was

Q How long has her father been dead do you know? A He died forty years ago or more

Q Did he die before peace was declared or after? A He died before peace, he died in the South.

Q What town did he belong to? A Coweta town

Q Were Coweta and Broken Arrow at one time joined together?

A Yes, sir pretty near the same thing.

Q Have you known this woman Prissie Carruthers a long time?

A Yes, I knew her when she was small

Q Has she been considered as a citizen of the Creek Nation?

A Yes, since I known her.

Q Do you know if she ever drew any money? A I dont know, her father drew money for her

Q If he drew any money it was a long time before the war wasn't it? A Yes but he was the leading man of the Creek Nation

Q Why didn't this woman get her money on the Creek payrolls do you know? A I don't know she was in the Cherokee Nation I guess

Q Who has she been living with since she has been in the Creek Nation? A Some of her kin people

Q Who do you mean was in the Cherokee Nation? A This woman Prissie Carruthers, Blue Dumplings was her Indian name.  
Q Has she any sisters or brothers living? A Not as I know of.

Ella McIntosh being duly sworn testified as follows:

Q What is your name? A Ella McIntosh.  
Q What is your age? A Forty something  
Q What is your post office address? A Tallahassee  
Q Do you know Prissie Carruthers? A Yes, sir  
Q How long have you know her? A For years  
Q Is she any kin to you? A No, sir  
Q Did she ever stay in your family? A At my great grandmothers  
Q What was her name? A Tartar Grayson or Drew  
Q Did she ever have any other name but Prissie and Blue Dumplings?  
A No, sir, not that I know of.  
Q Did she ever draw any money from the Creek Nation? A Not as I know of, if she did my great grandmother drew it for her or Tobe Drew  
Q How old was she when you first knew her? A I couldn't tell you  
Q Do you remember the war? A I just can remember it  
Q Do you remember when peace was declared? A I think I do  
Q Was she living in the Creek Nation at the time peace was declared?  
Q Yes in the Cherokee Nation or Creek Nation right on the line  
My grandfather used to devil us and say she was our young mistress and I asked him how and he said she was Lewis McIntosh our young masters daughter and I asked where was her mother and they said they had sent her off to Texas  
Q You know then that her father was Lewis McIntosh? A Yes, my grandfather called her that.  
Q Did you ever see her mother? A I have seen her mother. Her mother and my mother went to Texas. My mother came back and her mother died.

Prissie Carruthers recalled.

Q When you came here in August 1904 you made application to be enrolled as a Creek freedman, do you now want your application to be considered as a Creek freedman or a Creek citizen by blood? A I thought I had it in by blood. I am a Creek by blood.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 9th day of August 1905.

*Anna Garrigues*  
*J. McDermott*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 27, 1904.

In the matter of the application for the enrollment of Prissie Carruthers as a Creek Freedman.

Prissie Carruthers being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Prissie McIntosh.  
Q How old are you? A About 44.  
Q What is your post office address? A Muskogee.  
Q You want to apply for enrollment as a Creek Freedman? A Yes sir.  
Q Where were you born? A Up here.  
Q In the Creek Nation? A Yes sir.  
Q Were you taken out of the Creek Nation during the war? A No sir, after the war.  
Q How long after? A I don't know how long I was here; but I was a long time here afterwards.  
Q Were you a grown woman when you left here? A I wasn't of age.  
Q Were you a slave? A Yes sir.  
Q Who was your owner? A McIntosh.  
Q What was his given name? A Lewis McIntosh.  
Q Were they known by any other name except McIntosh? A Not as I know of.  
Q Have you ever been married? A Yes sir.  
Q What is your name now? A Carruthers.  
Q Your name now is Carruthers, is it? A Yes sir.  
Q Did you ever draw any money from the Creek Nation? A No sir, I didn't know I was going to get anything.  
Q You left the Creek Nation when you was a girl, did you? A I wasn't grown but I was pretty big.  
Q Did you ever come back here any more until two months ago? A Yes sir I was here off and on.  
Q Did you ever come here to live? A Yes sir, I lived here two years.  
Q How long ago has that been? A I can't tell exactly but I come back and stayed about two years.  
Q Were you married then? A When I come back?  
Q Yes. A No sir.  
Q Whom did you live with when you came back here then? A I stayed with the Reynolds.  
Q You want to bring in some witnesses in this case, do you? A Yes sir; the old man that knows me from my birth his wife died.  
Q Well, we will continue the case in order for you to bring in your witnesses.

Note: This applicant is very deaf, and it is exceedingly difficult to get anything out of her.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case

and that this is a full, true and correct transcript of his stenographic notes in page.

Henry G. Hains.

Subscribed and sworn to before me this 29 day of August, 1904.

Charles H. Sawyer  
Notary Public.



En. 138.

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DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of  
Prissie Carruthers, as a citizen of the Creek Nation.

SUPPLEMENTAL STATEMENT.

Record of the proceedings of the Colbert Commission examined and it does not appear that application was made to said Commission for the admission of the applicant herein to citizenship in the Creek Nation.

Record of the proceedings of the Commission to the Five Civilized Tribes under the provisions of the act of Congress of June 10, 1896, examined and it does not appear that application was made to said Commission for the admission of the applicant herein to citizenship in the Creek Nation.

W. O. Beall  
Acting Commissioner.

Muskogee, Indian Territory,

August 14, 1908.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Prissie Carruthers as a citizen of the Creek Nation.

DECISION.

The record in this case shows that on August 17, 1904, Prissie Carruthers appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for enrollment as a Creek Freedman. Further proceedings were had August 8, and August 14, 1905.

It appearing that the applicant claims both Indian and Negro blood this case is treated as an application for enrollment as a citizen by blood of the Creek Nation, and also as a Creek Freedman.

The evidence shows that the applicant herein is not a full blood Creek Indian, that she was born prior to March 14, 1867, and that her name does not appear on the Roll of Creek Freedmen made by J. W. Dunn prior to said date.

The evidence further shows that the applicant herein has never been enrolled as a citizen of the Creek Nation, nor has she ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Prissie Carruthers as a citizen of the Creek Nation, and the application for her enrollment as such is accordingly denied.

  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,  
OCT 12 1905

Copy

In re application  
of Priscilla Carruthers  
to be enrolled as a  
Cook Friedman

Motion for Review

MAR 6 1908  
5

J. B. Campbell, Atty  
Muskogee  
T.S.

UNITED STATES OF AMERICA  
DEPARTMENT OF THE INTERIOR

In the matter of the application  
of Prissy Carruthers for enrollment  
as a Freedman of the Creek Nation. }

MOTION FOR REVIEW

Now comes Prissy Carruthers by and through her attorney,  
J. M. Campbell, and moves the Honorable Secretary of the  
Interior to review and reconsider his decision of November  
14th, 1905 in which decision he affirmed the decision of the  
Commissioner to the Five Civilized Tribes dated October 12, 1905,  
denying your applicant enrollment as a Freedman of the Creek  
Nation, Indian Territory and sets forth as her grounds for  
review and reconsideration:

FIRST:-That said decision is contrary to the evidence.

Second:- That said decision is contrary to the law.

WHEREFORE, she prays that the Honorable Secretary of the  
Interior review and reconsider his decision in this matter  
and that the judgement therein entered be vacated and set  
aside and that your applicant be duly enrolled as a Creek  
Freedman of the Creek Nation, Indian Territory.

*J. M. Campbell*  
Attorney for Applicant.

ARGUMENT

The decision of the Commissioner to the Five Civilized  
Tribes in this matter, and which decision was affirmed by the  
Secretary of the Interior, is as follows:

"The record in this case shows that on August 17th, 1904  
Prissy Carruthers appeared before the Commission to the  
Five Civilized Tribes at Muskogee, Indian Territory and made  
application for enrollment as a Creek Freedman. Further  
proceedings were had August 8th and August 14th, 1905.

It appearing that the applicant claims both Indian and  
Negro blood, this case is treated as an application for enroll-  
ment as a citizen by blood of the Creek Nation, and also, as a  
Creek Freedman.

The evidence shows that the applicant herein is not a  
full blood Creek Indian, that she was born prior to March  
14th, 1867 and that her name does not appear on the Rolls of  
Creek Freedmen made by J. W. Dunn prior to said date.

v The evidence further shows that the applicant herein has never been enrolled as a citizen of the Creek Nation, nor has she ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Prissie Carruthers as a Citizen of the Creek Nation, and the application for her enrollment as such is accordingly denied".

It is apparent from the above decision that the Commissioner to the Five Civilized Tribes places a technical construction on the fifth paragraph of section 21 of the Curtis Act which provides:

"The Roll of Creek Freedmen, made by J. W. Dunn under authority of the United States, prior to March 14, 1867, is hereby conformed, and said Commission is directed to enroll all persons now living whose names are found on said Roll, and all descendants born since the date of said Roll to persons whose names are found on said Rolls, with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation."

The simple fact that the name of the applicant was not on the Roll made by J. W. Dunn was sufficient in the opinion of the Commissioner to warrant him to denying her application. It is not and can not be doubted that, as a matter of right, her name should appear on the Dunn Roll. The fact that it does not so appear is in no way the fault of the applicant.

The facts in the matter of this application are as follows: Prissie Carruthers, the applicant, was born sometime during, or just prior to the Civil War in the Creek Nation, Indian Territory. Her mother was a slave and her father, the Creek master of her mother. Her parents moved to the State of Texas at the breaking out of the Civil War and both died there before the close of the War. The applicant remained in the Creek Nation and was here during the war and for many years thereafter a resident of the Creek Nation where she has continued to live with the exception of short intervals in the Cherokee Nation, ever since.

The testimony taken at the hearing in this matter relative to her residence in the Creek Nation is somewhat confusing, but we believe there can be no question as to the length of time of her residence in the Creek Nation when the testimony is

carefully considered. On page one of the testimony of August 8, 1906, the applicant in answer to the question, "How long have you lived in the Creek Nation" answers, "Pretty much ever since I was born", and on page two of the testimony of the same date in answer to the question "How old were you when you first remember being in the Creek Nation?" she says, "I was here all the time". In her testimony of August 17th, 1904 in answer to the question "Did you ever come here to live?" she says, "Yes, Sir, I lived here two years".

This two year residence was undoubtedly meant by the applicant to her two years residence in the City of Muskogee. The applicant is very deaf, as is stated by the Commissioner, which statement is incorporated in the testimony and she undoubtedly misunderstood the question. At all times, where her residence was referred to, as in the Creek Nation, she has answered to the effect that it was almost continuous from the time of her birth, but the question as to her residence "here" was confusing and she answered "two years".

We submit that from the testimony taken at the hearing, that a finding that the applicant was born in the Creek Nation prior to the making of the Dunn Roll and has retained her residence in said Nation since that time, is warranted.

This being true, why should not she receive the benefits given by article two of the Treaty of 1866 entered into between the Creek Nation and the United States Government. It was the duty of the makers of the Dunn Roll to place the name of the applicant on this Roll and the fact that her name was not placed thereon, would in no way effect her rights. She did not make the Roll, neither did the Creek Nation make the Roll. The Roll was made under rules and regulations prescribed by the Superintendent of Indian Affairs and the names of all ~~XXXXXX~~ entitled to have their names placed on said Roll, should have had their names placed thereon. If error was made and the omission of names the result, these names should be placed on said Roll now as of then and the

persons whose names were omitted be entitled to all the rights and benefits conferred on them by article two of said treaty of 1866, the same as if their names originally appeared upon the Roll as prepared by J. W. Dunn.

The Creek Freedman, who is a resident of the Creek Nation at the time of the passage of the aforesaid treaty of 1866 and who had maintained his residence in the Creek Nation since that time, is one of those who has been "rightfully admitted by the lawful authorities of the Creek Nation" and the fact that through error or mistake, or omission, his name does not appear on the roll of Creek Freedmen as originally made by J. W. Dunn will in no way defeat his rights. We submit that under no rule of construction is the technical construction placed on the several treaty provisions by the Commissioner to the Five Civilized Tribes, warranted, and in this connection we quote from the opinion of the Assistant Attorney General assigned to the Department of the Interior, of date October 12, 1900 and approved by the Honorable Secretary of the Interior on the same date, in the matter of the application of Joe Harrison to be enrolled as a Creek Freedman:

"If Harrison was lawfully residing in the Creek country before ratification of the treaty (meaning the treaty of 1866) and was there at that date, or returned there within a year thereafter, he became a Creek citizen by force of the treaty, and was one who thereby had been 'rightfully admitted by the lawful authorities of the Creek Nation,' and was by the act of June 28, 1866 required to be enrolled by the Commissioner."

We submit that the law, as above summarized, is correct and that the case of Prince Garrison comes fully within this law and that she should be ordered enrolled.

Respectfully submitted,

~~Attorney for Applicant.~~

UNITED STATES OF AMERICA  
DEPARTMENT OF THE INTERIOR

In the matter of the application  
of Priscilla Carruthers to be en-  
rolled as a Freedman of the  
Creek Nation.

Motion for Re-hearing

Now comes Priscilla Carruthers, the above named applicant  
and moves the honorable Secretary of the Interior for a re-hearing  
in the above matter and on her grounds in support thereof, says:

That the hearing in the matter of her application was had  
before the Commission to the Five Civilized Tribes and the examination  
was conducted by said Commission; that the examination was conducted  
on false premises in that the Commission proceeded on the theory that  
the applicant was without right to be enrolled as a Creek Freedman  
for the reason that her name did not appear on the Roll of Creek  
Freedmen as prepared by J. W. Dunn; that the right of the applicant  
to have her name placed upon the Dunn Roll was not gone into by the  
Commission.

Your applicant states that she appeared before the Commission  
to the Five Civilized Tribes without an attorney and proceeded in all  
things before said Commission on advice of the Commission and that, as  
a result of this advice, the merits of her case were not brought out  
with sufficient alacrity to protect her rights.

Your applicant states that she was born in the Creek Nation  
sometime during, or just prior, to the commencement of the Civil War;  
that she has resided in the Indian Territory practically all her life;  
that she was in the Territory an actual resident therein at the time  
of the making of the Dunn Roll and remained in the Creek Nation,  
Indian Territory for many years thereafter; that she has been an  
actual bona fide resident of the Creek Nation, Indian Territory for  
ten years last past; that her mother, at the time of the birth of  
your applicant, was a slave of one Louis McIntosh, who was the  
father of applicant, all of which she is prepared to prove, as will be  
seen by the affidavits of John Francis, D. L. Berryhill and Lucy  
Conry, which affidavits are hereto attached and made a part of this



motion:

WHEREFORE your applicant prays that she may be granted a re-hearing in the matter of her application to be enrolled as a Creek Freedman in order that she may produce sufficient proof to show that she was entitled to have her name placed on the Roll of Creek Freedmen as prepared by J. W. Dunn and that her name should be placed thereon now for then.

W. K. Campbell  
Attorney for applicant.

Indian Territory }  
Western District }     SS

Priscie Carruthers, being first duly sworn by and before me a notary public in and for the Western District of Indian Territory, depose and say that she has heard read the foregoing motion for a re-hearing and that the same is true of her own knowledge.

Priscie Carruthers

Subscribed and sworn to before me this the 26 day of July 1906

E. H. Alexander  
Notary Public

My commission expires July 2, 1906

#### ARGUMENT

It is not the intention of the attorneys for the applicant in this matter to make an argument in support of the motion for a re-hearing at length. We refer to our argument in support of the motion for review and ask that this argument be considered in connection with the motion for re-hearing providing the motion for review fails to receive favorable action for the applicant by the Secretary of the Interior.

We believe it to be apparent from the record in this matter that the Commission to the Five Civilized Tribes proceeded on the theory that the name of the applicant must appear on the Durn Roll of Creek Freedmen or else their rights were forfeited. We believe this theory to be erroneous and refer to the decision of the Assistant Attorney General for the Department of the Interior in the matter of the application of Joe Harrison; in this decision the Assistant Attorney General held that the Freedman, who was a resident of the Creek Nation, Indian Territory at the time of the making of the Durn Roll and who for maintained his residence in the Creek Nation in conformity with the treaty provisions is as much entitled to enrollment as if his name appeared on the Roll. The above is the effect of his holding and we submit that the case of Prince Carruthers is on all fours with the case of Joe Harrison.

Respectfully submitted,

*W. H. Carruthers*  
Attorney for Applicant.

John J. Thompson,  
Secretary.

[illegible]

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the Creek Nation her home and has always lived therein since  
her birth, except for some short intervals more than ten years  
ago, when she resided in the Cherokee Nation, and except for  
the three weeks when she spent in the State of Kansas.

Lizzie Caruthers

Subscribed and sworn to before me this 26 day of July 1900

G. H. Alexander  
Notary Public

by commission expiration July 2, 1901

UNITED STATES OF AMERICA  
DEPARTMENT OF THE INTERIOR

Indian Territory }  
Western District) SS

D. L. Berryhill, being first duly sworn by and before me,  
a Notary Public in and for the Western District of the Indian Ter-  
ritory, deposes and says, that he is fifty eight years of age;  
that his post office address is Okmulgee, Indian Territory; that  
he was born of Indian Parents in the Creek Nation, Indian  
Territory and has since resided therein; that he is a duly  
enrolled citizen of the Creek Nation and has selected his  
allotment; that he was formerly the prosecuting attorney for  
the Creek Nation in the Okmulgee district for said Nation;  
that he has, also, hold the office of Superintendent of the  
Wealaka <sup>74</sup> Commission at Wealaka, Indian Territory and that he is  
now a Minister of the Gospel of the Methodist Episcopal Church  
South in the Indian Territory; that he knows Prissy Carruthers  
who was formerly Prissy McIntosh and who has made application  
for enrollment as a Creek Freedman of the Creek Nation, and  
has known her since shortly after her birth; that she was  
born just prior to the commencement of the Civil War, but as  
to the exact date, your affiant now does not remember; that  
she was born in the Creek Nation, Indian Territory; that her  
father was one Louis McIntosh who, as your affiant is  
informed and believes was a half blood Creek Indian; that the  
mother of the applicant, Prissy McIntosh Carruthers, was  
the slave of Louis McIntosh; that the mother and the father  
of the applicant, Prissy Carruthers, are now deceased, both  
having died sometime prior to the close of the Civil War and  
that they died either in the State of Texas or in the Choctaw  
or Chickasaw Nations; that affiant espoused the cause of the  
North in the War of the Rebellion and went north during the  
War when many of his people, who espoused the cause of the  
South, went south; that he returned to the Creek Nation and  
took up his permanent residence there in the year 1864; that

he was a member of the Creek Conference Committee which met the Conference Committee of the United States Government at Fort Smith in the year 1888 to provide and report on Treaty of peace and he believes himself to be the only living member of said Creek Conference Committee; that he knew the father and mother of the applicant, Priney Carruthers, well and knows of their deaths only on information and belief, but on such information and belief, he believes that they died prior to the close of the Civil War; that he knows the applicant and has known her at all times since her early childhood and has met her many times at different intervals during her lifetime and has always been named her and has been recognized by her and each has called the other by name; that affiant believes that the applicant, Priney Carruthers, was a resident of the Creek Nation, Indian Territory at the time that the Bill of Creek Freedmen, as introduced by J. W. Mann under authority of the United States Government, was made and believes that he had seen her then at that time or within a year thereafter, but as to this he will not swear positively, as his memory owing to the lapse of time, may be at fault; that he has always considered her as one of those who were entitled to the benefits of Article 3 of the Treaty of 1866 entered into between the Creek Nation and the United States Government; that he has always believed her to have been one of those named in the Bill of Creek Freedmen as introduced by J. W. Mann; that he knows that she is entitled to have her name placed thereon and that as such, it should be placed thereon.

and therefore, affiant requests that:

that she be

admitted and named as herein so into the Bill of Creek Freedmen

as provided for in the Bill of Creek Freedmen  
as introduced by J. W. Mann

by resolution of the Creek Nation

UNITED STATES OF AMERICA  
DEPARTMENT OF THE INTERIOR

Indian Territory }  
Western District } 83

John Francis, being first duly sworn by and before me the undersigned, a Notary Public in and for the Western District of the Indian Territory, deposes and says that he is seventy four years of age; that his post office address is Muskogee, Indian Territory; that he is at present a member on the House of Kings of the Creek Council; that he has been a member of the Creek Council either as a King or a Warrior since he was twenty one years of age; that he has always taken an active part in matters pertaining to the welfare of his tribe and that his ~~acquaintance~~ acquaintance with the members of the Tribe have at all times been extensive; that he knows Prissy Carruthers, the applicant for enrollment as a Creek Freedman and has known her since she was a baby; that she was born about two years prior to the commencement of the Civil War; that her father's name was Louis McIntosh, a half blood Creek Indian; that the mother of Prissy Carruthers was Minerva McIntosh, who was the slave of Louis McIntosh; that Louis McIntosh and Minerva McIntosh both died prior to the making of the Roll of Creek Freedmen by J. W. Dunn; that at the time of the making of the Creek Treaty of 1866 between the Creeks and the United States Government and at the time of the making of the aforesaid Roll of Creek Freedmen by J. W. Dunn, the applicant, Prissy Carruthers was a resident of the Creek Nation; that she continued to reside in the Creek Nation until she became grown; that she then moved to the Cherokee Nation, but to which place your affiant does not know when; that your affiant has seen her many times since her moving to the Cherokee Nation, but has not inquired as to the place of her residence; that it was his belief that she was residing in the Cherokee Nation, but as to this, he has no



definite knowledge; that he knows the applicant, Prissy  
Garratt, who is the Prissy McIntosh, who was the daughter  
of John McIntosh and Mary McIntosh, as he has known her  
continuously since before the Civil War; that at the time  
Prissy Garratt, the applicant, was born your affiant was  
living in the same, or a location, adjoining the same or  
a location, or both, or both; that affiant knows of no one  
connected with Prissy Garratt who is entitled to enrollment as  
a free person of color; that it has always been his belief that  
she was not a free person of color and had participated in the several  
rebellions against the government.

And further, affiant sayeth not.

Witness to mark  
of Prissy  
Garratt

John H. Garrison  
Mark

Subscribed and sworn to before me this the 21 day of Feb, 1900

J. H. Alexander  
Notary Public

By commission expires July 1, 1901

Copy

In re Application of  
Prisoners Committee  
to be enrolled as  
a Creek Indian

Motion for Rehearing

112.471

MAR 5 1900

W. B. Campbell, Atty  
Washoe Co.

UNITED STATES OF AMERICA  
DEPARTMENT OF THE INTERIOR

Indian Territory }  
Western District)

SS

Lucy Gentry, being first duly sworn by and before me,  
a Notary Public in and for the Western District, Indian  
Territory, deposes and says, that she is a Creek Freedman;  
that she is about fifty nine years of age, but as to her  
exact age, she is unable to state; that her post office  
address is Muskogee, Indian Territory; that she knows  
Prissy Garruthers, who has made application to be enrolled  
as a Creek Freedman and has known her for twenty or thirty  
years, last past; that she knows her to be a resident of the  
Creek Nation and that her residence has been in the Creek  
Nation for more than ten years last past, though at intervals  
said Prissy Garruthers has been absent for a short time from  
the Creek Nation; that Prissy Garruthers has at all times  
considered the Creek Nation as her home and has lived near  
Bodom, Creek Nation, Indian Territory; that affiant knows  
her well and has known her well during the years in which they  
have been acquainted as on many occasions during the last ten  
years Prissy Garruthers would, on coming to Muskogee, stay at  
the home of affiant; that affiant has always considered  
Prissy Garruthers to be a Creek Freedman and believed, until  
the last few years, that she was on the Freedman Rolls of the  
Creek Nation.

And further affiant sayeth not.

*Witness my hand*  
*Lucy Gentry*  
Subscribed and sworn to before me this the 21 day of July, 1906

*J. H. Alexander*  
Notary Public

My commission expires July 2, 1906

En: 688.

Muskogee, Indian Territory, May 20, 1906.

Frisbie Carruthers (or McIntosh),

Muskogee, Indian Territory.

Dear Madam:

The Commission desires further evidence in the matter of the application for your enrollment as a Creek Freedman. You are hereby notified that you will be allowed twenty days from date within which to appear before the Commission to submit such evidence as you may desire, and in the event that no further evidence is offered, the case will be adjudicated on the record now before the Commission.

Respectfully,

Register.

Chairman.

✓ # 639  
Muskegon, Indian Territory, July 8, 1900.

Pressie Carruthers,  
c/o William McIntosh,  
Midge, Indian Territory.

Dear Madam:

Receipt is acknowledged of your communication of July 8, 1900, in which you ask to be advised as to the nature of the evidence desired in the matter of your application for enrollment as a Creek Freedman.

In reply you are advised that it will be necessary for you to submit evidence tending to show whether or not your name appears on the roll of Creek Freedmen made by F.W. Dunn, prior to March 14, 1867, whether your name appears upon any of the tribal rolls of the Creek Nation and whether you were admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commissioner to the Five Civilized Tribes under the provisions of the act of Congress of June 10, 1896, and such other evidence as you are able to produce tending to show that you are a citizen of the Creek Nation.

Respectfully,

Commissioner.

OF SN 638

Muskogee, Indian Territory, October 14, 1901.

Friend Sam Houston,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of your application for enrollment as a citizen of the Creek Nation, denying the said application.

The decision, with a copy of the proceedings had in the case, is also being transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

JY -14-7

Jr. 630

Muskogee, Indian Territory, October 14, 1901.

W. J. Lott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Archie Caruthers as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this Office is informed of the same.

Respectfully,

Commissioner.

JY-14-P



OF IN 650

WUNNOMUN, INDIAN TERRITORY, OCTOBER 14, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Pierre Camruthers as a citizen of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes dated October 12, 1906.

Respectfully,

Commissioner.

Through the  
Commissioner of Indian Affairs:

JYN-14-0

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

OR  
112

117,011 4666-1206  
I.R.R.

November 14, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

October 14, 1906, you transmitted the record of the application of Priscilla Carruthers for her enrollment as a citizen by blood of the Creek Nation and also as a Creek freedman, including your decision dated October 12, 1906, adverse to the applicant.

November 3, 1906, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision adverse to the applicant be affirmed. A copy of his letter is inclosed.

The department concurs in the recommendation made and your decision dated October 12, 1906, denying the application of Priscilla Carruthers for her enrollment as a citizen by blood of the Creek Nation and also as a Creek freedman is hereby affirmed.

Respectfully,

Thos. Ryan

First Assistant Secretary

1 inc 20000

Refer in reply to the following

COPY

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS

Washington, November 3, 1905

Land  
88794-1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated October 14, 1905, transmitting the ~~and~~ record of the application for enrollment as a citizen of the Creek Nation by Prissie Carruthers. October 12, 1905, the Commissioner decided adversely to the applicant.

The record shows that the applicant claims both Indian and Negro blood. The evidence shows that the applicant is not a full blood Creek; that she was born prior to March 14, 1867 and that her name does not appear on the Dunn roll. It is further shown that she has never been enrolled or admitted to citizenship by any tribal authority of the Creek Nation, or by any United States tribunal.

In view of the record, the approval of the Commissioner's decision adverse to the applicant, is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner

MOCT-Y

3  
En. 686

Muskogee, Indian Territory, November 22, 1906.

M. L. Mott,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of November 14, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1906, denying the application of Prissie Carruthers for enrollment as a citizen of the Creek Nation.

Respectfully,

Acting Commissioner.

✓  
En. 488

Muskogee, Indian Territory, November 22, 1908.

Prissie Carruthers,  
Muskogee, Indian Territory:

Dear Madam:

You are hereby advised that under date of November 14, 1908, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 14, 1908, denying your application for enrollment as a citizen of the Creek Nation.

Respectfully,

Acting Commissioner.

GP. No. 630

Muskogee, Indian Territory. March 12, 1906.

The Honorable,  
The Secretary of the Interior.

Sir:

March 5, 1906, there was filed with this office motion for rehearing, with affidavits attached, and motion for review, in the matter of the application for the enrollment of Prinnie Garruthers as a Freedman of the Creek Nation. Said motions are transmitted herewith for Departmental consideration.

The facts set forth in said motions as grounds for rehearing and review are substantially the same as appear in the evidence previously offered and upon which the Commissioner's decision under date of October 12, 1905, was based.

In view of the facts in the case, it is respectfully

Secretary 2.

fully recommended that said motions be denied.

Respectfully,

Through the Commissioner  
of Indian Affairs.

Commissioner.

HEA-X



Gr. No. 410.

Michigan, Indian Territory, March 26, 1906.

The Honorable,

The Secretary of the Interior.

SIR:

March 6, 1906, there were filed with this office motion for rehearing, with affidavits attached, and motion for review, in the matter of the application for the enrollment of Priscilla Carruthers as a freedman of the Creek Nation. Said motions are transmitted herewith for departmental consideration.

The facts set forth in said motions as grounds for rehearing and review are substantially the same as appear in the evidence previously offered and upon which the Commissioner's decision under date of October 14, 1905, was based.

In view of the facts in the case, it is respectfully

Secretary A.

recommended that said motions be denied.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Commissioner.

IRA-X

LIS. OR. 126.

I.T.D. 14566-1905  
5286-1906.  
10016- "

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, June 6, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

March 15, 1906, you transmitted a motion for review and for rehearing of departmental decision of November 14, 1905, (I.T.D. 14566), denying the application of Prissy Carruthers for her enrollment as a citizen by blood of the Creek Nation, and also as a Creek Freedman.

In accordance with the approved opinion of the Assistant Attorney-General for this Department dated May 31, 1906 (I.T.D. 10016), copy of which opinion is forwarded to you through the Indian Office, said motion for a review or for rehearing is hereby denied.

Respectfully,

Signed) Jesse E. Wilson,  
Assistant Secretary.

I.T.N. 5286-1906.

COPY JRW. WCF. SVP.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF ASSISTANT ATTORNEY GENERAL.  
WASHINGTON, May 31, 1906.

The Secretary of the Interior.

Sir:

I received by reference of April 23, 1906, for my opinion thereon, motions for review and for rehearing of departmental decision of November 14, 1905, denying the application of Prissie Carruthers for enrollment as a freedman citizen of the Creek Nation.

The evidence taken tended to show and was to the effect that Prissie Carruthers was born in the Creek Nation about 1859 or 1860 of Minerva McIntosh, mulatto, slave of William McIntosh, a Creek citizen, and that Prissie's father was Louis McIntosh, son of William, and also a Creek citizen; that Minerva was sold during the war to a Mrs. Hawkins, in Texas, and died during the war; Louis McIntosh died about the close of the war, About and for considerable time after the war, she was living in the family of relatives named Hawkins, in the nation, and the name of Presy Hawkins appears on the Dunn Roll in that family; that she has always since lived in the Territory and for the most part in the Creek Nation. No protest or objection to her enrolment appears to have been made by the Creek Nation, and her case was supported by the testimony of John Francis, a member of one or the other House of the Creek Legislative Council, ever

since 1857, who also made an affidavit in support of her motion for rehearing, wherein he says that he has known her continuously since prior to 1861, when he was living on the farm adjoining that of Louis McIntosh, and that he knows of his own knowledge that she is entitled to be enrolled as a Creek Freedmen, and he has always believed that she was on the Creek Roll and had participated in the several payments made to the Creeks. The evidence also indicated that she participated in tribal payments. October 12, 1905, the Commission held that:

It appearing that the applicant claims both Indian and Negro blood this case is treated as an application for enrollment as a citizen by blood of the Creek Nation, and also as a Creek Freedman.

The evidence shows that the applicant herein is not a full blood Creek Indian, that she was born prior to March 14, 1867, and that her name does not appear on the Roll of Creek Freedmen made by J.W. Dunn prior to said date.

The evidence further shows that the applicant herein has never been enrolled as a citizen of the Creek Nation, nor has she ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Prissie Carruthers as a citizen of the Creek Nation, and the application for her enrollment as such is accordingly denied.

The Commission did not pass upon the evidence offered, or find the facts, but, for all purposes of this opinion, I assume for basis of the opinion that applicant is a Creek freedman and is entitled to all rights accorded to Creek freedmen under article 2 of the treaty of June 14, ~~1866~~ 1866 (14 Stat., 785).

The Act of April 26, 1906 (129 Public), section 3, provides:

That the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J.W.Dunn, under authority of the United States prior to March fourteenth, eighteen hundred and sixty-seven, and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of said roll, and their descendants born ~~since~~ since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior.

I deem this provision final and conclusive of the case. Upon the assumption of facts made, applicant's right would be clear and undoubted had she applied in due time, for which ample opportunity was given her under the act of June<sup>10</sup>, 1896, and supplemental legislation thereafter. Congress has now made the Dunn roll final and conclusive as to all claimants of this class whose enrolment has not been approved by the Secretary of the Interior. If, however, the applicant appears upon that roll, and desires opportunity to identify herself ~~and~~ borne on that roll by the name of Presy Hawkins, or other name, or applied to show that she was lawfully admitted by the Creek authorities subsequent thereto<sup>1</sup>, she is entitled to be heard for that purpose, otherwise she is barred by ~~her~~ failure to assert her right in proper time.

Very respectfully,

Frank L. Campbell,

Approved: May 31, 1906.

Assistant Attorney-General.

E.A.Hitchcock, Secretary.

Muskogee, Indian Territory, July 8, 1906.

J. B. Campbell,  
Attorney at Law,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of May 31, 1906 the department denied the motions for review and rehearing filed with this office March 5, 1906, in the matter of the application for the enrollment of Prissie Carruthers, as a citizen by blood of the Creek Nation and also as a Creek freedman.

Respectfully,

Commissioner.



Muskogee, Indian Territory, July 2, 1906.

Prissie Carruthers,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that under date of May 31, 1906, the Department denied the motions for review and rehearing filed with this office, March 5, 1906, in the matter of the application for the enrollment of Prissie Carruthers, as a citizen by blood of the Creek Nation, and also as a Creek freedman.

Respectfully,

Commissioner.

CR EN 639

CR EN 639

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
TUSKOGEE, I.T. AUGUST 17, 1904.

In the matter of the application for the enrollment, of Julius Sneed, deceased, as a Creek Freedman.

APPEARANCES: W.L. Mott, attorney for Creek Nation.

Lizzie Sneed being duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Lizzie Sneed.  
Q How old are you? A Twenty four.  
Q What is your post office address? A Clearview.  
Q Do you make application for the enrollment of Julius Sneed as a Creek Freedman? A Yes sir.  
Q Is he living or dead? A Yes sir; dead.  
Q Are you his mother? A Yes sir.  
Q What is the name of his father? A Henry Sneed.  
Q Is Henry a citizen of the Creek Nation? A No sir.  
Q Is Julius your oldest child? A Yes sir.  
Q When were you and Henry married? A December 5th.  
Q What year? A 1901.  
Q Were you married December 5, 1901? A Yes sir.  
Q When was Julius born? A May 5th, 1901.  
Q Was he born before or after you were married? A Before.  
Q How old was that child when you were married? A He was about 7 or 8 months.  
Q How old was that child when it died? A Over a year old.  
Q Have you ever made a birth or death affidavit about the child? Have you gone before an officer and made out a paper and sworn to it? A No sir.  
Q What's the reason you have waited so long to make application for the enrollment of this child? A Well, I thought any time would do.  
Q What was your name before you were married? A Lizzie Jefferson.

The records of the Commission examined and it appears that Lizzie Sneed is identified on Creek Freedman card Field No. 301, under the name of Lizzie Jefferson, and that she is identified on the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902 No. 1120.

- Q Have you a younger child than Julius? A Yes sir.  
Q What is the name of the next youngest to Julius? A Elvida.  
Q When was Elvida born? A He was born October 25, 1903.

Examination by Mr. Kott:

- Q How many children have you got? A I haven't got but this one now--  
(referring to child in arms.)
- Q Where is your husband? A At home.
- Q When was you enrolled; when did you come in here and apply for enrollment for yourself? A My father enrolled me.
- Q When was that? A I don't know how long that's been.
- Q Was that before or after your baby died? A It was before.
- Q Can you read and write? A A little.
- Q What have you got the record of that birth in? A Its home.
- Q What's it in? A In a book.
- Q What sort of a book? A In a Bible.
- Q Bible or testament? A Bible.
- Q Who put it in? A Our father did.
- Q Your father? A The child's father.
- Q Can he read and write? A Yes sir, a little.
- Q When did he put it in? When did he put it down? A I suppose when it was born.
- Q Were you and him living together when it was born? A No sir.
- Q Where was he living when it was born? A Not very far from me.
- Q You wasn't married then? A No sir.
- Q You wasn't married till 6 or 7 months after? A Yes sir.
- Q How long afterwards? A The child was born in May and I married in December.
- Q Did he come to see you while you was sick? A Yes sir.
- Q Where you were staying with your mother-- at your mother's house?
- A Yes sir.
- Q You say that a man who wasn't your husband came there and saw you while you was sick? A Yes sir.
- Q Your mother allowed him to do that? A Yes sir.
- Q Did you see him put that down? A He said he put it down and I think in the Bible.
- Q You said a little bit ago it was in the Bible; that he put it down.
- A Well, its in the Bible.
- Q Who put it down? A He did.
- Q When; before or, after you were married? A Before he was married.
- Q How long before? A It wasn't long; it was a good while before.
- Q How long after it was born? A I never seen when he put it in the Bible but its in the Bible now; I seen it in the Bible.
- Q You didn't see him put it in? A No sir.
- Q You don't know when he put it in? A No sir; but it wasn't very long after it was born I seen it in the Bible.
- Q Is that the way you know it was born in May? A No sir, I know it was.
- Q What day of the month is this now? A It is the 17th.
- Q 17th of what? A August.
- Q What year? A 1904.
- Q How old are you? A 24 years old.
- Q What is your birthday? A November 10th.
- Q Why haven't you come in here before and enrolled this child? A Well I just neglected it; just never come.
- Q Can you give any reason why you never came? A Well, sometime I was sick; couldn't come.
- Q Who was present when that child was born? A My grandmother and my sister.

Q Are they here? A Yes sir one of my sisters is here and my grandmother  
Q Was she there that night? A Yes sir.  
Q When it was born? A Yes sir; grnadma was there when it was born.  
Q Did you hear your grandmother say on what day it was born? A No sir.  
Q Did you ask her about it? A No sir.  
Q Did you talk to her about what date that child was born? A No, I never.  
Q Never heard her say? A No.  
Q Did you ever hear her say what day it died? A She never said but I suppose she knows.  
Q Have you any other witnesses here except your grandmother? A My sister is here.  
Q Have you and her talked together about what day it was born? A No sir.  
Q Have you asked her what day it was born? A No sir.  
Q Did you hear her say? A No sir.  
Q Did you ask her what day it died? A No sir.  
Q Did you hear her say? A No sir.  
Q Have you ever heard her say anything about it? A No sir.  
Q Or your grandmother either? A No sir.  
Q Just brought them here to testify without asking them about it? A No sir.  
Q Haven't talked to them about it? A No sir.  
Q Don't know what they are going to say about it? A No sir.  
Q Never heard them say anything about it? None of your witnesses? A No sir.  
Q Was your sister there when it was born? A Yes sir, she was there.  
Q When did you tell them you wanted them to come down here as witnesses?  
A I never told them at all; my mama came here Monday.  
Q When did you tell them you wanted them to come here? A I never told them at all.  
Q How come her here? A She came up on other business.  
Q How come they to appear here? A I don't know.  
Q You don't know what she is coming up here for? A I suppose to witness for that other woman but I never told her to come.  
Q Never told her you was going to apply? A No sir.  
Q Never told her when you was coming? A No sir.  
Q Did you know she was coming? A Yes sir; I come in yesterday and she come Monday.  
Q Did you come in the house here today together? A Yes sir; I and her and my sister and Mr. Grayson.  
Q Did she know what you were coming for? A Yes sir.  
Q Did you tell her you wanted her to testify for you? A I never told her nothing.  
Q She won't testify then, will she? A Yes sir, she will if I ask her.  
Q Do you expect to ask her? A I suppose.  
Q Well, are you going to ask her to be a witness in this case? A Well she happened to be there when the child was born; I said I never told her that when I was coming down.

By the Commission:

Q Did you get a marriage license when you are married? A Yes sir.  
Q Have you that marriage license at home? A Yes sir, at home in a trunk

The applicant is advised that it will be necessary for her to send her marriage license to the Commission.

By Mr. Mott.

Q What killed that child? What was the matter with it? A I don't know; the Doctor says he had la grippe.

By the Commission:

The witness is also advised that it will be necessary for her husband to appear before the Commission with the bible in which she states that the record of the birth and death of Julius Sneed is recorded.

Frances Holmes being duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Frances Holmes.
- Q How old are you? A About 65.
- Q What is your post office address? A Weleetka.
- Q Do you know Henry Sneed and his wife, Lizzie? A Yes sir.
- Q Lizzie is your grand-daughter, is she? A Yes sir.
- Q Do you know a child of theirs named Julius? A Yes sir-Julius or something; its kind of a funny name to me.
- Q Is that Lizzie's oldest child? A Yes sir.
- Q You knew her oldest child? A Yes sir.
- Q The child is dead, is it? A Yes sir.
- Q About how old was that child when it died? A I think it was about a year old.
- Q How long has the child been dead? A I guess its been dead now about 3 years maybe a little over; I never took any particular notice of when it died.
- Q Were you present when the child was born? A Yes sir, I was right there.
- Q Do you know when it was born? A I can't tell the month but what number and all that I can't; it was born in April May--I believe on the 27th, If I am not making a great big mistake, the 27th of May, I think; I can't read or nothing.
- Q Do you know the day of the week? A No, I don't know.
- Q How long has it been since that child was born? A I don't know rightly; all I can tell you I was there when it birth.
- Q How long do you think it is dead? A About three years.
- Q And was about a year old when it died? A Yes sir.
- Q That child was born before Lizzie was married, wasn't it? A Yes sir.
- Q How long before she was married? A I think a little over a year. Just making a rough guess at it.
- Q You think it was about a year old when it died? A Yes sir.
- Q And you think its been dead about three years? A Yes sir; maybe a little over.
- Q James Jefferson was your son, was he? A Yes sir.
- Q Was that child born before James died or not? A I can't tell you; I don't know; I never paid no particular notice nor keeping the time of the child's birth or nothing; I hate to tell anything I don't know.
- Q Were you there when your son, James, died? A Yes sir.
- Q Do you remember whether that child was there then, or not? A I don't know; I am forgetful about things; anything I want to know particular I always have to get someone to keep the time for me; I have got too old; my memory is leaving me.
- Q Was Lizzie married when James died? A She wasn't; I don't think she was; she wasn't married; she married after Jim dead; that's her father; but how long after he died I can't tell that, excepting I went to somebody had knowledge of it.

Examination by Mr. Mott:

- Q When did the child die? A That child died--I can't tell the very day; he died right Christmas morning; I stayed up there with him Christmas eve night; just at daylight the child died right in my house.
- Q On Christmas morning? A Yes sir.
- Q What year was that? A I don't know what year that was.
- Q Has that been three years ago last Christmas? A Yes, I guess so.

Q Three years ago last Christmas you think? A Yes sir.  
Q Are you pretty well satisfied that it was three years ago last Christmas it died? A I am pretty well satisfied its three years ago.  
Q Well, if it died the Christmas three years ago; it would have to be over three years old next Christmas or last Christmas; which do you think it was? A I can't tell nothing about no years.  
Q Well, how long has she been married? A I guess about two years, I guess; maybe a little over.  
Q Two years or a little over? A Yes sir.  
Q Then it had to be three years ago last Christmas? A Yes sir.  
Q You say the child had been dead about a year when they married?  
A Yes sir.

By the Commission:

Q Did that child die before they married? A Yes sir, I think it did.

By Mr. Mott:

Q Did the child die before she married? A Yes sir.

By the Commission:

Q I understand you to say that you know the child died on Christmas day? A Yes sir; I know that; but how long I don't remember.

By Mr. Mott:

Q But you say she has been married over two years? A Yes sir.

Q And that she never married until after the child died? A Yes sir, I don't know how long she been married; I never kept no notice of this business at all.

Q Did he visit there while she was sick? A The man?

Q Did he come there or not? Where was he when the child was born? A He was home I guess.

Q Well, how long after the child was born before you saw him? A I don't know; I wasn't round there at all.

Q You, satyed there all the time? A No sir, I didn't stay where they was.

Q Didn't you stay in the same house with them? A No.

Q What was the matter with the child? A Well, the doctor if I am not making a mistake had it the grip.

Q How come you to come here as a witness? Did the mother of the child tell you she wanted you to come here? A I come here on my own business. After she got here she told me; she come yester day and I come Monday. I didn't know she was coming.

Q After you got here, did she tell you? A Yes sir, after I got here.

Q Did she ask you that day it was born? A No sir.

Q What day it died? A No sir.

Q Didn't talk to her anything about that? A No sir; I didn't ask her and she didn't ask me; I guess she thought I knowed just that much.

Q But she did ask you to come and be a witness? A Yes sir; she asked me this morning if I would come and I said I could say that much.

Q Why hasn't she applied before that? A I don't know but this is the first time she was down here since that baby was born.

Q That's four years ago nearly? A Yes sir; he said she would come but never did till now; I came down here to see an agent I made a trade with sometime ago.

Rose Jefferson being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Rose Jefferson.



Q How old are you? A Twenty-seven.

Q What is your post office address? A Melatka.

Q Do you know Henry Sneed and his wife, Lizzie? A Yes sir.

Q Is Lizzie Sneed your sister? A Yes sir.

Q Did you know a child of theirs named Julius? A Yes sir.

Q That child is dead, is it? A Yes sir.

Q How old was he when he died? A I don't know, just how old he was but he was over a year old.

Q Do you know when he died? A Died December 25, 1902.

Q Do you know when he was born? A It was born May 5th, 1901.

Q Were you present when the child was born? A Yes sir.

Q Your father's name was James Jefferson, was it? A Yes sir.

Q He is dead, is he? A Yes sir.

Q When did he die? A I don't know sir.

Q You don't know when he died? A No sir; I don't know what year; he died in the Fall but I disremember what year it was.

Q Were you at home when he died? A Yes sir.

Q Do you know when Lizzie and Henry were married? A ~~Yes~~ No sir.

Q Was Julius born when they were married? A Yes sir.

Q How old was he? A I don't know.

Q Was he dead when they married? A No sir, I don't think he was.

Q Was Julius born before your father died or after? A After I think; I guess it was after- I can't remember just when my father died; but he was born after I think. I am not sure.

Q Is your child Ida living? A Yes sir.

Q Why is it that you remember the exact date that Julius was born and you don't remember the exact date that your own father died? A Well, they had it down in a book is the reason I remember that but they did not have my father's name.

Q They haven't that down? A Not as I know of.

Q When did you last look at that book? A A day or two before I left.

Q What did you look at it for? A Just looking at the children's ages; at the Bible, and was just looking.

Q You say that the date of the father's death is not down in that book?

AA No sir, not the one that Julius' name is.

Q Whose name is in there besides Julius? A All of Mrs. Sneed's other children's in there.

Q All the Sneed children? A Yes sir.

By Mr. Kott:

Q How many years has your father been dead? A About three years.

Q Three years? A Yes sir.

Q Well, its been three years since this child was born, hasn't it?

A Yes sir, its going on three years; I don't know how long; 3 or 4.

Q Which died first? A My father did I think.

Q Was your father dead before the child was born? A I think the child was born after.

Q The reason you say it was born on the 5th day of May is because you saw it in the Bible? A I didn't say.

Q Wasn't you there when he died? A On Monday.

Q What day of the month? A I don't know.

Q You can remember the child was born on the 5th day of May and you can't remember the date of your father's death? A Its in the book.

Q Well, then, that's the reason you remember it was the 5th of May, isn't it? A Yes sir.

Q If they didn't have it in the book you couldn't tell what it was?

A No sir.

Q Who put it in the book? A Mr. Sneed.

Q When? A The day it was born.

Q Did you see him put it in? A Yes sir.

Q Who put in the date of his death? A He did.

Q Did you see him? A Yes sir.

Q Did you live there with them? A I did stay there then.  
Q Were you married then? A No sir.  
Q Did you have any babies then? A Yes sir.  
Q How many did you have? A Two.  
Q You had two before you was married? A Yes sir.  
Q When was your oldest one born? A I don't know.  
Q You don't know the date it was born on? A No sir.  
Q Is it living? A No sir.  
Q What day did it die? A I don't know that.  
Q How old is that one? When was that one in your arms born? What day of the month was it born in? A May the 3rd.  
Q But you don't know what day the other was born in? A No sir.  
Q How old would it be if it was living? A About 3 years old.  
Q How long did it live? A About three weeks.  
Q Are you married now? A No sir.  
Q Where do you live now? A Live about 68 miles from here.  
Q Don't live with your sister now? A No sir.

Applicant recalled:

Examination by Mr. Kott:

Q When was it you say that Sneed put that down in the Bible? A I never seen him put it down.  
Q Well, when? You stated a while ago. A It was shortly after the child was born when I seen it in the Bible.  
Q When was the first time you saw him after the child was born? How long? A Well, after the child was born--- I seen him a day or two after the child was born.  
Q Did he come to see you a day or two after? A Well, he was there; I don't know whether he come to see me.  
Q Where was he the day the child was born, do you know? A No sir.  
Q When did he come there the first time after the child was born, one two, three or four days? A I don't know exactly; a day or two after.  
Q But you didn't see him the day it was born? A No sir, he wasn't there the day it was born.

Francis Holmes recalled:

Examination by Mr. Kott:

Q How many days did you stay there when Julius Sneed was born? A I didn't been there only about but one and a half days.  
Q Did you see Sneed when you was there? A Yes sir, he come there and went away.  
Q When did he come? A That night.  
Q What night? A The night the baby was born.  
Q Did you see him do any writing when he was there? A No sir.  
Q Did anybody say anything about putting down the birth of the child while you was there? A I did hear the mother talk about it.  
Q When was that? A The same day it was born that she mentioned it but I don't know who put it down; I guess they did though.  
Q You never saw anybody put it down? A No sir.  
Q You was there all day? A Yes sir.  
Q It wasn't put down while you was there? A It might have been in another room from where I was.

Henry G. Fains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case

and that this is a full, true and correct transcript of the stenographic notes in same.

*Henry G. Hain*

Subscribed and sworn to before me this 29<sup>th</sup> day of August, 1904.

*Charles D. Sawyer*

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE? I.T. AUGUST 29, 1904.

Additional testimony

In the matter of the application for the enrollment of Julius Sneed, deceased, as a Creek Freedman,

M.L.Mott, attorney for Creek Nation.

Elizabeth Sneed being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Elizabeth Sneed.

Q You are the same person who made application for the enrollment of Julius Sneed, are you? A Yes sir.

Applicant presents to the Commission the marriage license issued by the Clerk of the United States court at Muskogee, Indian Territory, November 26, 1901, authorizing the solemnization of the rites of matrimony between Henry Sneed and Elizabeth Jefferson; the certificate thereto attached shows that the parties named in the license were duly married December 5, 1901, by the Rev. William Burns, a minister of the Gospel.

A Bible is presented for the inspection of the Commission containing what purports to be a record of the births of various people, among them is found the following: "Julius Sneed was born May 5, 1901."

Q Have you a child younger than Julius? A Yes sir; Elvida.

Q Was there a record made of her birth here in this Bible? A No sir; I don't think it was.

Q Where the word "Julius Sneed" appears in the record, it looks like there has been something erased there, and Julius Sneed written over it; what was that, do you know? A I don't know that anything was on there.

Q You didn't write this yourself? A No sir.

Q Who wrote this? A Mr. Sneed.

Q That's the father of the child? A Yes sir.

Q How long after the child was born until he wrote it? A It wasn't very long.

Q Was it a year or three weeks? A It was over a year; it was about 2-- I never saw him when it was written; I saw him 3 or 4 days after.

Q After the child was born? A Yes sir. And he told me he had it in there.

Q This child was born before you were married? A Yes sir.

Q Did this bible belong to you then or to him? A It belonged to him.

The Bible is returned to the applicant.

Examination by Mr. Mott:

Q Why haven't you got that youngest child in there? A I never put it down there.

Q Why? A I didn't recollect to put it there.

Q When was it born? A October 23.

Q What year? A 1903.

Q Why didn't you put it down? A I just didn't recollect to put it down.

Q Because you knew it didn't have a right to file? A I don't know whether it has a right or not.

Q You don't? A I don't know.

Q If it had a right to file you would have had it down there, wouldn't you? A (No answer).

Q Can't you answer that? (No answer).


Q If it had a right to file you would have had it down, wouldn't you?

A I wouldn't be particular about putting it in there; I don't know whether he would have or not.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains.*

Subscribed and sworn to before me this 4th day of October, 1904.

  
Notary Public.

OK.

En. 639.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Okmulgee, I. T., October 27, 1904.

In the matter of the application for the enrollment of Julius Sneed, deceased, as a Creek Freedman.

HENRY SNEED, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Henry Sneed.  
Q How old are you? A About fifty-five.  
Q What is your post office? A Clearview.  
Q What is the name of your wife? A Elizabeth.  
Q Is she called Lizzie? A Yes, sir.  
Q Did she have a child named Julius? A Yes, sir.  
Q Do you know when that child was born? A May 5, 1901.  
Q When were you and your wife, Lizzie, married? A We were married in December 5, 1901.  
Q How old was that child when it died? A Something over a year old. He died 1902 December 25.  
Q Application was made for the enrollment of this child on the 17 day of August, 1904, why is it that you waited so long to make application to have this child enrolled? A We didn't know it was entitled to enrollment. I am a non-citizen myself and didn't know it was entitled until Ned Holmes, my wife's uncle, told her she better file for that child.  
Q Who is Red Holmes? A That is his brother.  
Q Have you a child younger than Julius? A Elvida.  
Q When was Elvida born? A Born---I don't remember the day of the month. It was born in October last year---about the 23rd I think.  
Q You are not positive as to the date of that child's birth? A I know it was in October.  
Q Why is it you remember the exact date of the birth and death of Julius and you don't remember the exact date of the birth of this other child? A I had the date of Julius set down and I never had to the other set down.  
Q In what did you write down the date of the birth and death of Julius? A In the Bible.  
Q Where is that Bible? A It is at home.  
Q Why didn't you write down in the Bible the date of the birth of your other child? A I just neglected to do it being very busy.  
Q When did you write down in that book about the birth and death of Julius? A Well he was probably two or three days old. Me and my wife was not married at that time. I happened by there and I just put it down. I just happened to think of it and put it down.  
Q Why is it that you have not put down the date of that other child's birth? A It was just carelessness. I think it was on the 23 of October 1903.  
Q Did you procure a marriage license when you and Lizzie were married? A Yes, sir.  
Q Where is that license? A I guess the Dawes Commission has it.  
Q Did you send it to the Commission? A She took it to the Dawes Commission, in Muskogee, and they have it yet.  
Q When your wife appeared before the Commission on the seventeenth day of last August, she was told that it would be necessary for you to appear before the Commission with the Bible in which she stated the dates of the birth and death of Julius Sneed are recorded? A Well, she told me that the Dawes Commission said for me to come and this lawyer that was before the Commission told her that it was not necessary. After she told me that I was very busy and that is the reason I didn't come.

En. 639.-----2.

Q Did that child die before you and Lizzie were married or after?  
A Died after. We were married on the fifth day of December and it  
died on the 25th--on Christmas day.

---ooo000ooo---

I, D. C. Skaggs, on oath state that the above and foregoing is  
a full and true transcript of my stenographic notes as taken in said  
cause on said date.

D C Skaggs

Subscribed and sworn to before me this 4 day of Nov. 1904.

Charles H. Sawyer  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Julius Sneed, deceased, as a Creek Freedman.

DECISION.

The record in this case shows that on August 17, 1904, Lizzie Sneed appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Julius Sneed, deceased, as a Creek Freedman.

Further proceedings were had August 29, and October 27, 1904.

The evidence shows that said Julius Sneed, deceased, was the minor child of Lizzie Sneed, and that said Lizzie Sneed is identified on the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, Roll No. 1120.

The evidence further shows that said Julius Sneed, deceased, was born May 5, 1901, and died December 25, 1902.

It is, therefore, the opinion of the Commission that said Julius Sneed, deceased, should be enrolled as a Creek Freedman in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

CHAIRMAN

COMMISSIONER

COMMISSIONER

MUSKOGEE, INDIAN TERRITORY

MAR 15 1905

CERTIFICATE OF RECORD.

United States of America, }  
INDIAN TERRITORY, ss.  
Northern District.

I, CHARLES A. DAVIDSON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office, the day of 190 at M., and duly recorded in

Book , Marriage Record, Page

WITNESS my hand and seal of said Court at Muskogee, in said Territory

this day of , A. D. 190

Clerk.

By Deputy.

# MARRIAGE LICENSE

United States of America, }  
INDIAN TERRITORY,  
Northern District.

ss.

No. 483

To Any Person Authorized by Law to Solemnize Marriage...Greeting:

You are Hereby Commanded to solemnize the Rite and publish the  
Banns of Matrimony between Mr. Henry Sneed  
of Henryetta, in the Indian Territory, aged 51 years, and  
Miss Elizabeth Jefferson of Henryetta, in the  
Indian Territory, aged 21 years, according to law, and do you officially sign and return this  
License to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory, this 26<sup>th</sup> day of  
November, A. D. 1901

Chas A. Davidson  
Clerk of the U. S. Court.

By

W. R. Shadelford

Deputy.

## CERTIFICATE OF MARRIAGE.

United States of America, }  
INDIAN TERRITORY,  
Northern District.

ss.

I, Ben H. Burns, a Minister of the Gospel,  
DO HEREBY CERTIFY, that on the 6<sup>th</sup> day of Dec, A. D. 1901,  
I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish  
the Banns of Matrimony between the parties therein named.

WITNESS my hand this 6<sup>th</sup> day of Dec, A. D. 1901

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District.

Book

B

Page

106

Ben H. Burns

A Minister of the Gospel.

88/3  
Ex. 639.

Muskogee, Indian Territory, September 29, 1904.

Lissie Sneed,

Clearview, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of September 24, relative to the status of an application made by you for the enrollment of your child, name not given, as a citizen of the Creek Nation.

In reply you are advised that the records of the Commission show that on August 17, 1904, you made application for the enrollment of your deceased child, Julius Sneed, as a Creek Freedman.

You are further advised that a decision in the case has not been rendered by the Commission. When the matter is disposed of you will be duly notified.

Respectfully,

Chairman.

Or 24 539

Muskogee, Indian Territory, March 21, 1905

M. L. Kott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Julius Sneed (deceased) as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to file protest against said decision, and if, at the expiration of that time, no such protest has been made, said Julius Sneed (deceased) will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Chairman.

JYK-21-5.

En. 539.

Muskogee, Indian Territory, June 3, 1906.

Lizzie Sneed,

Clearview, Indian Territory.

Dear Madam:

You are hereby advised that the name of your minor child, Julius Sneed is contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior May 23, 1906, and that application for a selection of land in the Creek Nation may now be made for said Julius Sneed at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Commissioner in Charge.



Muskogee, Indian Territory, November 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Under date of September 28, 1905 (ITD 12432-1905) the Department returned approved by the Secretary of the Interior 244 deeds to Creek citizens and to the heirs of Creek citizens which were transmitted by this office under date of September 11, 1905.

Departmental approval of deed No. 30621 prepared to cover an allotment, exclusive of the homestead, to the heirs of Julius Sneed, whose name appears upon Creek Freedman Roll opposite No. 5544, was withheld and the attention of this office called to Departmental letter of August 4, 1905 (ITD 8032-1905) and it was requested that the Department be furnished with a further report as to the allotment in this case.

Departmental letter of August 4, 1905, referred to applies to a petition of M. W. Palmer, administrator of the estate of Mary B. French, deceased, a citizen by intermarriage of the Choctaw Nation, complaining of the action of the Commission to the Five Civilized Tribes in refusing to receive his application as such administrator for an allotment to the heirs of the said Mary B. French, which application he attempted to



Sec. Int. #2.

file on April 8, 1906. This action was taken by the Commission for the reason that it consisted of numerous small tracts of land, varying in size from 10 to 20 acres each and it was thought that the selection of the allotment in that form was purely for speculative purposes and did in no way conform to the intent of Congress and the Department. It is presumed, therefore, that the Department in calling the attention of this office to such letter thought that the opinion in the case above referred to could be applied to that of the said Julius Sneed, deceased.

It appears from the records of this office that on July 11, 1906, Henry Sneed made application for an allotment for his deceased child, Julius Sneed, for the following described land situated in the Creek Nation:

Lot 1 and the North East Quarter of the North West Quarter of Section 30, Township 17 North, Range 10 East; the North East Quarter of the North East Quarter of Section 25, Township 17 North, Range 11 East; the North 3.67 acres of the North East 8.67 acres of Lot 2 of Section 2, Township 18 North, Range 12 East; the South Half of the South Half of the South West Quarter of the South East Quarter and the East Half of the North East Quarter of the North East Quarter of the South East Quarter of Section 35, the South 7.50 acres of the South West 10 acres of Lot 7 of Section 36, Township 19 North, Range 12 East and the North West Quarter of the North West Quarter of the North West Quarter of the North East Quarter of Section 21, Township 11 North, Range 11 East, less 4.59 acres occupied as right of way by the Midland Valley Railroad, containing in all 160.76 acres of an appraised value of \$641.76.

While it is true that this allotment is widely scattered and may not be termed a homogeneous allotment, yet out of the entire amount there are 80.53 acres in one tract, a

Dec. Int. #3.

portion of which was designated as the homestead.

There yet remains in the Greek Nation to be allotted approximately 800, 000 acres of land, a greater portion of which is not suitable for agricultural purposes. Quite a number of small isolated tracts yet remain unallotted and for this reason this office does not believe that the action taken in the case of the said Mary B. French, deceased, could be applied to the applications for allotments yet to be made in the Greek Nation. Inasmuch as these small tracts constitute about all of the land suitable for agricultural purposes remaining unallotted, this condition naturally has a tendency to force the allottees to select land in various tracts.

In view of the fact that about one-half of the allotment to the heirs of the said Julius Sneed, deceased, is in one tract and that it is almost impossible to find 160 acres in one body suitable for agricultural purposes, I do not believe that this case justifies a similar action to that referred to in Departmental letter of August 4, 1905.

I, therefore, recommend that deed No.30641 prepared to cover an allotment to the heirs of the said Julius Sneed be approved by the Department.

Homestead deed No.30644 which was approved on September 23, 1905, will be held by this office pending Departmental action of deed No.30625.

Sac. Ind. Aff.

Respectfully,

Commissioner.

Through the  
Commissioner of Indian Affairs.

67 670 670

67 670 670

**DEPARTMENT OF THE INTERIOR,  
COMMISSIONER OF THE GREEK CIVILIAN CLAIMS.  
WASH. DC, D. C. AUGUST 19, 1904.**

In the matter of the application for the enrollment of Gracie Taylor, deceased, as a Greek Freedman.

Rose Jefferson being duly sworn testified as follows:

**Examination by the Commission:**

Q What is your name? A Rose Jefferson.  
Q How old are you? A 27.  
Q What is your post office address? A Wellesham.  
Q Do you make application for the enrollment of Gracie Taylor as a Greek Freedman? A Yes sir.  
Q Is that your child? A Yes sir.  
Q Do you know the nature of an oath? A ---  
Q Do you know what it is when you hold up your hand to tell the truth?  
A Yes sir.  
Q Do you know what will become of you if you do not tell the truth?  
A Penitentiary, liable to be sent to the penitentiary.  
Q When was Gracie Taylor born? A 1897, December 18th.  
Q Is that child dead? A Yes sir.  
Q How long did that child live? A Till he was pretty near 2 years old don't know just.  
Q Are you certain of that? A Yes sir.  
Q When did the child die? A July 18, 1899.  
Q Is your father named James Jefferson? A Yes sir.  
Q And your mother Amy? A Yes sir.  
Q Was Gracie your eldest child? A Yes sir, next eldest.  
Q What is the name of the oldest one? A Robert.  
Q Is Robert living or dead? A Dead.  
Q When did he die? A I don't know sir; just when he died.  
Q Did he die before Gracie? A Yes sir.  
Q How long before? A About a year.  
Q Do you remember when the Commission was first going around through the country taking the names of Greek citizens? A Yes sir, I think I do.  
Q Was Gracie living then? A I can't hardly tell; I don't hardly remember; I know when they first started.

In 1898 the Commission was engaged in taking a census of the citizens of the Greek Nation and the names of those so taken were placed upon what are now called Old Census Cards. The old Census Card, family #224, James Jefferson and nine members of his family were listed; the name of Gracie Taylor or Gracie Jefferson does not appear thereon, nor does any name appear thereon that bears any resemblance to the name of Gracie.

Q Now, this card that I have here before me was made during the time that you say that child was living and the name of your father's family appears thereon; if that child was living then, why was it that its name was not put there? A I don't know but it was living.

Q Have you ever made put a birth or death affidavit for this child, Gracie? A No sir.

Q Have you ever applied before now to have the child enrolled? A No sir.

Q Why have you waited so long? A I didn't know I could file for it; for the de ad.

Q Is your father, James Jefferson living? A No sir, dead.  
Q Is your mother living? A Yes sir.  
Q Have you got her here as a witness? A No sir.  
Q You have a child named Maggie Taylor, haven't you? A Yes sir.  
Q Did you have any children between Gracie and Maggie? A Yes sir.  
Q Is that child living or dead? A Living.  
Q Have you filed for that child? A Ida Gardner.  
Q Is Gracie older than Ida? A Yes sir.  
Q Was Gracie living when Ida was born? A Yes sir.  
Q How much older was Gracie than Ida? A --  
Q How old was Gracie when Ida was born? A A little over a year old I guess.  
Q Do you know when Ida was born? A Yes sir; born December 14, 1898.

The records of the Commission show that Ida Gardner was born December 13, 1898; subsequent to the time that the old census card heretofore referred to was prepared.

Q Can you read and write? A No sir.  
Q Did anybody write down the date of the birth of this child in a book? A Yes sir.  
Q Have you the book with you? A No sir.  
Q Was it written with a pen or pencil? A With a pen.  
Q Did anybody write down in that book the date of the child's death?  
A Yes sir.  
Q Was it written with a pen or pencil? A Pen.  
Q What kind of a book is that in? A In a bible.  
Q Have you that book at home? A No sir, it belongs to my uncle Ned Holmes.  
Q How far does he live from you? A About a mile.  
Q How far do you live from here? A About 65 miles I guess.  
Q Does your uncle come down here occasionally? A Yes sir; he may be here today; said he was coming in.  
Q You didn't tell him to bring that book with him? A No sir.  
Q We don't want to put you to any unnecessary expense, but you tell your uncle, when you get back, when you see him, that the next time he comes to Muskogee to bring that Bible with him and come in here and ask about this case. You understand that, do you? A Yes sir.

Frances Holmes being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Frances Holmes.  
Q How old are you? A I don't know my age rightly.  
Q About? A About 65.  
Q What is your post office address? A Welatka.  
Q Do you know Rose Jefferson? A Yes sir.  
Q Any kin to you? A Granddaughter of mine.  
Q Did she have a child named Gracie Taylor? A Yes sir.  
Q Do you know when that child was born? A Yes sir, I know the month.  
Q What month was it? A December.  
Q The child is dead, is it? A Yes sir.  
Q How old was that child when it died? A To tell the truth I don't know. I never kept no account.  
Q Was it as much as 6 months old? A It was over that.  
Q Was it as much as a year old? A Over a year old.

Q Could the child walk? A When it died  
 Q Yes, A It could have walked but it took him and was sick a year  
 and never walked any.  
 Q Could the child talk? A No sir, I don't think it could.  
 Q How far do you live from them? A About a mile.  
 Q Do you remember when the Commission was first going around but when  
 the country taking the name of the people in the Green Nation? A Yes sir  
 I remember of that.  
 Q What kin are you to James Jefferson? A I am his mother.  
 Q Do you know whether that child was living when the Commission was  
 first going around through the country taking the name of the people?  
 A Yes sir, it was living then. I know it was living when it died.  
 Q Was there, but when it died I don't tell I don't know when it died  
 since it died I don't use no attention at all.  
 Q You don't know when the child died then? A I know what month.  
 Q What month? A July.  
 Q Now, I will call over to you the names of James Jefferson and  
 that were taken when the Commission was first going around.  
 James Jefferson, Andy, Rosie, Muffy, Nancy, Della, William, Willie,  
 George, in Ann, Polly.  
 A Yes sir, them all my grand-children.  
 Q Can you explain why, in this child, it didn't walk and when  
 put down there? A I don't know right. I know that when it was  
 asked particularly I know had it that time. I know that  
 child when it was dead, some said it could, I don't know.  
 Rose said:  
 Q The child was living when this part was made but I was sick.  
 Q I want to know why it was in the child was sick, I don't know  
 put down? A I don't know that reason it was in the child. I don't know how  
 some she didn't put it in.  
 Q Do you know the year that child was born? A No sir, I don't know.  
 Q Has Rose got a child named baby? A Yes sir.  
 Q Was this child, Grace's dead, when the child was born? A I don't know when  
 I don't know right.  
 Q Think about that-- just your best judgment, just your best  
 then, do you? A (No answer).  
 Q Were you present when the child was born? A Yes sir.  
 Q Don't you remember whether that child was born when it was  
 A Well,--I think that child was dead, I don't know. I don't know  
 ought to be explained.  
 Q I want the truth. A I don't know when it was born, I don't know when it  
 died I don't think it was born, it was already dead when it was born.  
 born.

Lizzie Sneed being duly sworn states the following:

Examination by the Commission:

~~James Jefferson, Andy, Rosie, Muffy, Nancy, Della, William, Willie, George, in Ann, Polly.~~  
 What is your name? A Lizzie Sneed.  
 Q How old are you? A Twenty-four.  
 Q What is your post office address? A Birmingham.  
 Q Do you know James Jefferson? A Yes sir.  
 Q Any kin to you? A Yes sir, sister.  
 Q Do you know a child or girl named Grace? A Yes sir.  
 Q Did you know a child or girl named Grace? A Yes sir.  
 Q Grace Taylor is dead, is she? A Yes sir.  
 Q Did she die before the mother was born? A No sir.  
 Q Was she living when the mother was born? A Yes sir.  
 Q Are you positive or not? A Yes sir.  
 Q Is Frances Holmes your grandmother? A Yes sir.



Q If she says the child was dead when Ida was born, she is mistaken, is she? A Must be, Ida Gardner was born before she died.  
 Q How long after Ida was born until Gracie died? A Bout how many days and months? A I can't tell exactly.  
 Q Well, as near as you can come at it? A I think several months.  
 Q How old was Gracie when she died? A I can't exactly tell how old she was, I know when she died.  
 Q About? A She was a little over a year old.  
 Q Could she walk? A No sir, she was sick, before she was a year old, she was about a year old when she took sick and she never walked.  
 Q About how long was she sick? A She must have been about 3 or 4 months.  
 Q Your father's name is James Jefferson, is it? A Yes sir.  
 Q Do you remember when the Commission was first sending men around the nation taking the names of citizens- do you remember anything of that? A I remember a little of it, didn't pay much attention to it.  
 Q In what year was Gracie born? A 1897.  
 Q Remember the month and day of the month? A It was in December.  
 Q Rosie was living in your father's family when this child was born and when it died, was she? A Yes sir.  
 Q In 1898 the Commission took the names of the members of your father's family and the name of that child is not found in his family.  
 A Yes sir.  
 Q Do you know why that child was left out? It was living, can you explain? A No sir, I don't know why it was left out.  
 Q Did anybody make a record that you know of, of the date of the birth of Gracie? A Yes my sister did, Rosie.  
 Q What kind of a book did she write it in? A In the Bible.  
 Q Where is that book? A At home.  
 Q Is it written with pen or pencil? A Pen.  
 Q Did anyone write down the date of the death in that book? A I think it is there too.  
 Q Written with pen or pencil? A With a pen.

(Applicant recalled.)

Q Your sister says you wrote that in the Bible? A No sir, I didn't, I can't show you the Bible, we have no Bible.  
 Q She says it's in the Bible at home. A No sir, it's at my uncle's, we have no Bible at home.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above cases and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 29 day of August, 1904.

Charles H. Sawyer  
 Notary Public.

No. 840.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Austin, T. T., March 31, 1906.

In the matter of the application for the enrollment of Gracie Taylor  
as a citizen by blood of the Creek Nation:

Lissie Sneed, being duly sworn, testified as follows:

BY COMMISSIONER:

Q What is your name? A Lissie Sneed.  
Q How old are you? A Twenty-four.  
Q What is your post office address? A Clearview.  
Q Are you a Creek Freedman? A Yes, sir.  
Q To what town do you belong? A Canadian Colored Town.  
Q Do you know Rose Jefferson? A Yes, sir.  
Q Did you know a child of hers named Gracie Taylor? A Yes, sir.  
Q Was that child's father? A Jake Taylor I guess.  
Q Was Rose Jefferson married to Jake Taylor? A No, sir.  
Q Do you know when Gracie Taylor died? A I think she died in the  
year 1899.  
Q What time? A In July.  
Q What day? A I think it was about the 18th.  
Q How do you fix the date of her death? A I remember it because  
she died at the Church House. We had a big meeting and she died that  
day.  
Q What Church House was that? A The Colored Baptist Church close  
to Clearview.  
Q Have you a record of her death? A No, sir.  
Q Do you know any one that has a record of her death? A No, only  
what she said.  
Q Who do you mean by "she"? A Rose.  
Q Do you know that this child died July 18, 1899, of your own  
knowledge or is that the date Rose Jefferson gave you? A No, sir,  
she didn't give it to me.  
Q You just remember it? A Yes, sir.  
Q Have you any children dead? A One.  
Q Do you know when it died? A Yes, sir.  
Q When? A The 28th day of December, 1902.  
Q Was Gracie Taylor the eldest child of Rose Jefferson? A Yes, sir.  
Q Did she have a child named Robert? A Well, now, I don't know  
exactly what the child's name is.  
Q Is that child dead now also? A Yes, sir.  
Q Which died first? A Gracie.  
Q When did Robert die? A I don't know. I wasn't there.  
Q Has she made selection of land for Robert? A I don't know.  
Q Did Rose Jefferson have another child named Ida Gardner? A  
Yes, sir.  
Q Did Gracie Taylor die before Ida Gardner was born? A I can't  
keep account of all these things. There is so many of them I can't  
recollect about them.  
Q You have heretofore given testimony in this case have you? A  
Yes, sir.  
Q Do you know when Gracie was born? A I think she was born  
December, 1897.  
Q How old was she at the time of her death? A Well, she was over  
a year old.  
Q Could she talk? A No, sir.  
Q Could she walk? A No, sir.  
Q Was she born before or after Christmas? A Born before.

21: 240,222:

Q You stated in your testimony given before the Commission, at  
Hussey, about a year ago, that Rose Jefferson had a record of the  
child's death in the Bible? A I don't know whether she had a record  
or not.  
Q You have never seen any such record then? A No, sir.  
Q Did Rose Jefferson ever tell you that she had a record? A I  
never heard her say that it was in a book at home.  
Q What relation is Rose Jefferson to you? A Sister.

AMY BATES, being duly sworn, testified as follows:

BY COMMISSION:  
Q What is your name? A Amy Bates.  
Q How old are you? A About forty-five.  
Q What is your post office address? A Clearview.  
Q Are you a citizen of the Greek Nation? A Yes, sir.  
Q To what town do you belong? A Canadian colored.  
Q Do you know Rose Jefferson? A Yes, sir.  
Q What relation is she to you? A My daughter.  
Q Did she have a child named Gracie Taylor? A Yes, sir.  
Q Who was that child's father? A Fane Taylor.  
Q Was she married to Fane Taylor? A No, sir.  
Q How long do you know when Gracie died? A No, sir.  
Q How long do you think she has been dead? A I guess it is about  
five or six years she been dead. She been dead a long time. At  
least about six years.  
Q Do you remember the circumstance of the opening of the Greek Land  
Office? A No, sir.  
Q Do you remember when people first began filing on their land? A  
Yes, sir, I remember that.  
Q Was Gracie Taylor living at that time? A No, sir, I think not.  
Q I think she had died before they first commenced filing.  
Q Do you know about how long? A No, sir, I couldn't tell how long  
but I recollect she died before they started to filing.  
Q You are positive that she died before they commenced filing are  
you? A Yes, sir, she died before I heard anything about filing.  
Q Were you present when Gracie died? A No, sir.  
Q Were you present at her burial? A No, sir.  
Q How far were you living from Rose Jefferson at that time? A  
About two miles.  
Q Do you know whether or not a record was made of her death? A No,  
sir.

-----101-----

I, D. C. Shaggs, on oath state that the above and foregoing is a  
full and true transcript of my stenographic notes as taken in said  
cause on said date.

D. C. Shaggs

Subscribed and sworn to before me this 17<sup>th</sup> day of July, 1908.

J. N. Desmarte  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
CLEARVIEW, I. T., NOVEMBER 14, 1906.

In the matter of the application for the enrollment of  
Gracie Taylor, deceased, as a Creek Freedman.

NED HOLMS, being first duly sworn by Alex Posey, a  
Notary Public, and examined, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Ned Holms.  
Q How old are you? A 51 the 17th of this month.  
Q What is your postoffice address? A Clearview.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q Are you acquainted with Rose Jefferson? A Yes sir.  
Q She any kin to you? A Yes sir, my niece.  
Q How many children has she? A She has got three alive.  
Q How many dead? A Four I think, between three and four dead.  
Q When was her first child born, do you know? A I think it was  
the year '95.  
Q What was the name of that child? A Grace, if it was the  
oldest one.  
Q Is Grace living? A Oh, no, she is dead.  
Q How old was she when she died? A I know she died, but I  
forgot, it was in '96 or '97, we burried her but I know she is  
dead.  
Q Did Rose draw money for Grace when ~~was~~ the '95 payment was made,  
the \$14.00 payment? A I don't know whether she did or not.  
Q ~~Are~~ You are not certain whether the child died in 1896 or '97?  
A No sir, I am not certain.  
Q Are you positive it was one of those years? A No sir, I am  
not positive but I know it was along there, along about that  
time.  
Q Had you filed upon your allotment when that child died?  
A Oh, gee! no, I never filed until 1900.  
Q That child was not living then when people first began filing?  
A No, not as I can tell, I don't recollect whether it was or not.  
Q Do you remember when people first began filing upon their allot-  
ments? A '99, wasn't it?  
Q If Gracie died in '96 or '97 she couldn't have been living when  
people first began filing, could she? A If she died in  
'96 or '97 she couldn't, but I am not certain when she died.  
Q How many years has she been dead? A I don't know.  
Q Where were you living at the time she died? A I was living  
right across the Creek there.  
Q How long did you live there after she died? A I don't  
know, I lived there after she died.  
Q Are you sure that the child was born in '95? A I am pretty  
sure it was sometime in '95.

- Q Was the child walking or crawling at the time it died? A It was old enough to be walking but it had been sick a long time, over a year.
- Q About how old was the child when it died? A That is what I said, I don't know how old it was. If I said I would be just guessing.
- Q What would you guess? A I don't guess.
- Q Rose Jefferson testified in this case, stating that you had a Bible in which a record of Gracie's death is written. Have you such Bible record? A Yes, of my children but I haven't got it of here or nobody else.
- Q Never had such record? A No sir, I never.
- Q Do you know whether or not Rose made a record of the child's death? A No sir, not as I know of.
- Q Has Rose a child named Ida Gardner? A Yes sir.
- Q Is Gracie older than Ida? A Yes, oh yes.
- Q Was Gracie living when Ida was born? A I don't remember that, whether she was living or not, Ida was born sometime in '98 I think it was; I think it was '98.
- Q Don't you remember whether she had any living children at the time Ida was born? A No sir, I forget.
- Q You don't know whether Gracie was living then or not? A No sir, I don't know whether she was living then or not, of course if I had traced it up I might have found out but I never paid no attention to it.
- Q Has Rose Jefferson ever said anything to you about having made application for the enrollment of this child? A No sir, never has said a thing to me about it.
- Q Gracie was Rose's oldest child, was she? A Yes sir, her oldest.
- Q What was the name of the next oldest child? A It was a girl too, but I have forgot the name.
- Q Was not Robert her next oldest child? A No, no, not Robert, that was the boy that just died here a little over a year ago.
- Q How do you remember that Gracie was born in '98? A Because I had a child born in '95 and Rose's child was just a few days older than mine.
- Q Were you present either at the death or burial of Gracie? A Yes sir, I was at the burial.
- Q In what month was that? A I forget whether it was August or September, we were at a campmeeting up here and she died at the campmeeting. I won't say whether it was August or September, but it was long about that time.
- Q How long was that before you filed upon your allotment? A That is what I tell you, I don't know what year she died in but I don't know what year she died in.
- Q Had any one that you know filed upon their allotment at the time Gracie died? A Yes, I don't know.
- Q Do you know any one that did know when Gracie died? A Henry Sneed might know.
- Q Where does he live? A He lives back up the Creek here about a mile and a half. I guess Gracie's father would know, he lives away up here at Nobby.
- Q What is his name? A Jackson Taylor.
- Q Is the child's grave marked by a headboard or tombstone? A No sir, it is not marked at all.

James B. Myers, being first duly sworn, states, that as



stenographer to the Commissioner to the Five Civilized Tribes, he recorded the testimony in the foregoing proceedings, and that the above is a true, and correct transcript of his stenographic notes notes thereof.

James H. Myers

Subscribed and sworn to before me,  
this 12 day of Dec, 1906.

Alfred C. Myers  
Notary Public.

COMMISSIONER OF THE INDIAN AFFAIRS  
TRINIDAD.

In the matter of the application for the enrollment of  
Gracie Taylor, deceased, as a Creek freedman.

DECISION.

The record in this case shows that on August 17, 1906, Rose Jefferson appeared before the Commission as the mother of the Taylor family, and made application for the enrollment of her three children, Gracie Taylor, deceased, as a Creek freedman. Hearings proceedings were had on March 21, 1905 and November 14, 1906.

The evidence shows that the applicant was the child of Rose Jefferson, who is identified on the 1898 pay roll of the Creek Nation, Canadian Colored Town, opposite number 970, and whose name appears upon the partial roll of Creek freedmen approved by the Secretary of the Interior March 15, 1902, opposite number 1136, and of James (or Jackson) Taylor, a non-citizen.

The evidence as to the dates of the applicant's birth and death is contradictory. Taking the oral testimony by itself it would seem that the weight of it is to the effect that the applicant died prior to April 1, 1909. In support of this theory the evidence furnished by the records in the possession of the Commissioner is almost conclusive. The mother of the child and one other witness, who are the only witnesses that the applicant was living on April 1, 1909, say that she was born in December, 1897 and died in July, 1909. Census card number 284, which was made by the Commissioner in the year 1898, contains the name of James Jefferson, the father of the said Rose Jefferson and nine members of his family, including the said Rose Jefferson, but the name of Gracie Taylor or Gracie Jefferson does not appear thereon. This fact was not explained by the evidence of any of the witnesses. Upon the 1898 pay roll of the Creek Nation, Canadian Colored Town, beginning at number 944 thereof, are found the names of James Jefferson, Rose Jefferson and the other eight members of the family who appear upon the census card already referred to, and immediately following them the census card already referred to, appears the name, Grace Jefferson, opposite number 979 of said roll, appears the name, Grace Jefferson, and it further appears upon said roll that the said James Jefferson receipted for Grace Jefferson's 1898 payment of \$14.40, and the latter is not otherwise accounted for by the record of the Commissioner. This would seem to conclusively establish the fact that Gracie Jefferson, or Taylor, the applicant, was living in 1898, and all of the evidence in the record shows that she was not more than ten years old at the date of her death. The testimony of Ned Holmes, taken on November 14, 1906, which seems to be the most reliable of any of the oral testimony in the record, corroborates specifically the fact that the applicant was living in the year 1898.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of Gracie Taylor as a Creek freedman, and the application for her enrollment as such is accordingly denied.

Washoe, Indian Territory.



INDEXED

COMMISSIONER TO THE TROOP	
No.	Received
53800	DEC 12 1906

Penny, Alex,  
Austin, T. F.,  
Dec. 11, 1906

Transmits testimony in F. B.  
application for enrollment  
of Gracie Taylor.

CHECK ENROLLMENT

REPLY IN REPLY TO THE FOLLOWING:

No. 848.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Dustin, Indian Territory, December 11, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

In the matter of the application for the enrollment of  
Grace Taylor, deceased, as a Creek Freedman, there is herewith  
inclosed the testimony of Ned Holmes, taken by the Creek Field  
Party, November 14, 1906, together with copies of testimony  
heretofore taken in said cause.

Please advise me if further evidence is desired in  
said cause.

Respectfully,

*Wm. B. B. B.*  
In Charge,  
Creek Field Party.

JDM

REPORT IN REPLY TO THE FOLLOWING:  
.....  
.....**RE. M. A. 440.**.....  
.....

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 17, 1907.

Rose Jefferson,

c/o Jake Tayler,

Welsetka, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of your minor child, Gracie Taylor, deceased, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-92.

Or. No. 640.

Muskogee, Indian Territory, January 27, 1907.

M. L. Holt,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Horrie Taylor, deceased, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-95.

Gr. Am. 440.

Muskogee, Indian Territory, January 27, 1907.

The Honorable,  
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Grace Taylor, deceased, as a Creek Freedman, including the decision of the Commissioner, dated January 14, 1907, denying said application.

Respectfully,

Commissioner.

J. W. P.

Through the Commissioner  
of Indian Affairs.

DLM  
OK

LRS

DEPARTMENT OF THE INTERIOR,  
WASHINGTON. February 28, 1907.

I.T.D. 4154-1907

Direct

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

January 17, 1907, you transmitted the record in the matter of the application for the enrollment of Gracie Tayler, deceased as a Creek Freedman, together with your decision dated January 14, 1907, denying said application.

Reporting February 18, 1907 (Land 6094-1907), the Indian Office recommends that your decision be approved. A copy of its letter is enclosed.

Your decision is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Jesse M. Wilson

Assistant Secretary

1 inc and 2 inc  
for Ind Of

COPY

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

Washington, February 18, 1907

Refer in reply to  
the following  
Land  
8094-1907

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 17, 1907, enclosing record of the proceedings in the matter of the application for the enrollment of Gracie Taylor, deceased, as a Creek Freedman, including the decision of the Commissioner dated January 14, 1907, denying the application.

It is shown by the record herein that application was made on August 14, 1904, by Rose Jefferson to the Commission to the Five Civilized Tribes for the enrollment of her minor child, Gracie Taylor, deceased, as a Creek Freedman. Testimony was taken relative to the matter on March 21, 1905 and November 4, 1906. The testimony shows that the applicant was the child of Rose Jefferson, who is identified on the 1895 pay roll of the Creek Nation, Canadian colored town, whose name appears upon the partial roll of Creek Freedmen, approved by the Department March 13, 1902, opposite No. 1118, and Jake Taylor, a non citizen.

The evidence in the record as to the date of the applicant's birth and death is contradictory. The weight of the testimony, however, is to the effect that the applicant died prior to April 1, 1899. The mother of the child testified that



3

the applicant was living on April 2, 1899, and says that she was born in December, 1897, and died in July, 1899.

The name of Gracie Jefferson appears upon the 1898 pay roll of the Creek Nation, and James Jefferson receipted for her 1898 payment of \$14.40. Otherwise, her name does not appear upon the records of the Commission. It seems to be shown by this record, conclusively, that Gracie Jefferson, or Taylor, the applicant, was living in 1898, and all of the evidence goes to show that she was not more than two years of age at the date of her death.

The testimony of Ned Holmes taken at the hearing on November 14, 1906, corroborates the record and shows the fact that the applicant was living in the year 1898.

The Office is of the opinion that the decision of the Commissioner, dated January 14, 1907, denying the application for the enrollment of Gracie Taylor as a Creek Freedman is correct, and it is recommended that it be affirmed.

Very respectfully,

C. T. Carrabee  
Acting Commissioner

EW D

Op. No. 640

101

Muskogee, Indian Territory, March 6, 1907.

Rosa Jefferson,

of Jake Taylor,

Wolentka, Indian Territory.

Dear Madam :-

You are hereby advised that under date of February 28, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your deceased minor child, Gracie Taylor, as a Creek freedman.

Respectfully,

Commissioner.

CR BU 641

CR EP 641

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, I.T. AUGUST 17, 1904.

In the matter of the application for the enrollment of Izora Grayson as a Creek Freedman.

John Grayson being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John Grayson.  
Q How old are you? A I guess about 40.  
Q What is your post office address? A Clearview.  
Q Are you a citizen of the Creek Nation? A Yes sir.

The records of the Commission show that John Grayson is listed for enrollment as a Creek Freedman on Creek freedman card Field No. 25 and that his name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, # 112.

- Q Do you make application for the enrollment of Izora Grayson as a Creek Freedman? A Yes sir.  
Q Are you the father of that child? A Yes sir.  
Q What is the name of the mother? A Priscilla Grayson.  
Q Is she a citizen of the Seminole Nation? A Yes sir.  
Q Is Izora living? A Yes sir; she is right up here.  
Q Have you a child named Rebecca? A Yes sir.  
Q Is Izora the next to Rebecca? A Yes sir.  
Q How old is Rebecca now? A I dis remember now.  
Q How old was Rebecca when Izora was born? A ----  
Q About; as near as you can come at it? A I don't know now; I would have to go back to the book.  
Q Don't you have some idea as to the difference in ages between your children? A I have-- I don't know when to tell only what I knows; there is a few years difference some way; I just set it down in the Bible.

The records of the Commission show that Priscilla Grayson, the mother of Izora, is identified on the approved Seminole roll #2556.

- Q When was Izora born? A December 27, I think; '9.  
Q 19? A 1900; I think it's 1900; she is somewhere close on to 4 years old I think; that's so-- hold on---- I reckon its 1900; I can't be certain.  
Q How old is that child now? A She's three years old going on 4.  
Q Are you certain as to the month she was born in? A Yes sir, in December.  
Q Who was present when that child was born? A Old lady, Jane Stephens.  
Q Is she a citizen of the Creek Nation? A No sir.  
Q Do you know when your child, Rebecca, was born? A ~~xxxxxx~~ No, I don't recollect what day it was born.  
Q Why is it you remember the exact date of Izora's birth and you don't remember Rebecca's? A You see we had to make a statement out and we had it written out on the book.  
Q What kind of a book did you write that in? A In the Bible; Family Bible.  
Q Have you that Bible here? A No sir.

Q Now long since you looked at that? / When I wrote that paper there.  
 Q He only looked at it since? / No sir.  
 Q Now long ago had that been? / I don't remember; something like 20-22  
 Q Are you positive that this child was born on that farm? / Yes,  
 sir, that's what I think.  
 Q Well, that wasn't too far to think. / Well, it's three years going  
 on four.  
 Q Are you positive that this child was born in Tennessee? / Yes sir;  
 about two days after Christmas, I am certain of that.  
 Q You remember no you, or coming and living on your land? / Yes sir,  
 I remember I came and lived.  
 Q And this child was born then or not? / I don't know whether  
 it was or not.  
 Q Can't you remember that, when you left home to come here and live,  
 whether that child was there or not? / I can't tell you whether it  
 was born or not; it must be that I never tried to keep it. I think  
 that in rebellion, since when I got it from I am in some and have  
 at least I never paid no attention to it after I found out I couldn't  
 file in Tennessee National, and when I am in the Creek Nation.  
 Q You say you can file in the Creek Nation? / Yes sir, when I filed.  
 Q When you found out you could not file for this child in the Creek  
 Nation, why didn't you file for this child in the Creek Nation right  
 away? / I didn't want to because the mother was a Seminole.  
 It's just about a year or so when I found out I can file with me.  
 Q Did they tell you that the child had to go with its mother? / Yes sir,  
 said all the children had to go with the mother; and they didn't have  
 no place for the new born one, I didn't pay no attention.  
 Q When were you and Principle married? / About six or seven years I think.  
 Q Were living together as man and wife ever since? / Yes sir.  
 Q You didn't have any license to them and a No sir, just married by  
 preacher.  
 Q Have you no certificate of the marriage? / Yes sir.  
 Q To you have it at home? / Yes sir.

The applicant is advised that it will be necessary for him to send  
 to the Commission a certificate showing the marriage between himself and  
 wife.

Principle's answer being duly sworn testified as follows:

Examination by the Commissioner:

Q What is your name? / Principle's answer.  
 Q How old are you? / About 40 I guess.  
 Q What is your place of birth? / I was born in the Creek Nation.  
 Q Are you the wife of John's daughter? / Yes sir.  
 Q And the mother of John's? / Yes sir.  
 Q Was that the child that was in here just now? / Yes sir.  
 Q The old in here? / Well, it's just now, all the 27th day of December.  
 Q You are positive of that, is that? / Yes sir.  
 Q Is it written down in a book anywhere, in the State, an answer or  
 anything of that kind when she was born? / Yes sir.  
 Q Have you looked at that entry in the State records to verify your  
 memory? / Yes sir.  
 Q Did you look at it when you last came? / Yes sir.  
 Q When was that written in the State? / I guess it was 1900.  
 Q Was there that in there? / Yes sir.  
 Q Can you read anything? / Yes sir, can't neither read nor write.  
 Q Have you a child named John? / Yes sir.  
 Q How old is John now? / He is 10 or 12 years old.  
 Q For old was he when you last saw him? / I can't tell  
 exactly, but he was not ten years old the 27th of December.

Q Did you have any children between Rebecca and Izora? A Yes sir; have one that's dead.  
Q Do you remember when that child was born? A No sir; didn't put that one's age down, being it's dead; it was born dead.  
Q Your other children are enrolled in the Seminole Nation, are they?  
A Yes sir.  
Q What's the reason application hasn't been made for this child before now, do you know? A No sir, I don't know.

Jane Stephens being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Jane Stephens.  
Q How old are you? A Fifty four  
Q What is your post office address? A Weleetka.  
Q Do you know John Grayson and his wife, Priscilla? A Yes sir.  
Q How far do you live from them? A Right in the house with them.  
Q How long have you lived with them? A Two years; but been living near them, in the same neighborhood for a long time; my husband died and left me.  
Q Do you know a child of theirs named Izora? A Yes sir.  
Q Were you there when the child was born? A Yes sir, I waited on it; midwife.  
Q You are not a citizen of the Creek Nation, are you? A No sir, but I have been living in the Creek Nation ten years.  
Q How old is Izora? A She was three years old the 27th of last December; making her four years old the 27th of this coming December.  
Q You are positive of that, are you? A Yes sir, I am just as positive as I am looking at you.  
Q How come you to remember that? A When I waited on it; I said this is one child I want to get the age of; it was on the 3rd day of Christmas.  
Q Do you know a child of theirs named Rebecca? A Yes sir.  
Q Do you know when the child was born? A No sir, I wasn't present in the Creek Nation when that child was born--I come like-- it was born in June.

The child Izora is present and appears to be about the age given in the evidence.

An affidavit heretofore filed in the case relative to the birth of Izora is made part of the record herein.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 29<sup>th</sup> day of August, 1904.

*Charles H. Sawyer*

Notary Public.

En. 641.

I.D.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:0:-

In the matter of the application for the enrollment of  
Izora Grayson, as a Creek Freedman.

-: DECISION :-

The record in this case shows that on August 17, 1904, John Grayson appeared before the Commission and made application for the enrollment of his minor child, Izora Grayson, as a Creek Freedman.

The evidence shows that said Izora Grayson was born December 27, 1900, and was living at the date of the application herein.

The evidence further shows that said Izora Grayson is the minor child of John Grayson and that the name of said John Grayson is contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior March 13, 1902, Roll Number 112.

It is, therefore, the opinion of the Commission that said Izora Grayson should be enrolled as a Creek Freedman, in accordance with the provisions of the act of Congress June 30, 1902 (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

MAR 20 1905



IN RE

Application for Enrollment of

INFANT CHILD

*Izma Hayon*

as a citizen of

*Le Creek*

NATION

Approved

190

Commissioner

CREEK ENROLLMENT.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

1881, 1882

*November 12, 1882*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,  
of Ajora Grayson, born on the 27 day of December 1900  
(Here insert name of child)  
Name of Father: John Grayson, a citizen of the Creek Nation.  
Name of Mother: Priscilla Grayson, a citizen of the Cemuciole Nation.  
Post-office: Helixka, S.T.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.

Mustang District.

I, Priscilla Grayson, on oath state that I am 39  
years of age and a citizen, by Blood, of the Cemuciole Nation;  
that I am the lawful wife of John Grayson, who is a citizen, by  
Adoption, of the Creek Nation; that a Female child was  
(Male or female)  
born to me on 27 day of December 1900, that said child has been named  
Ajora Grayson, and is now living.

WITNESSES TO MARK:

Must be Two  
Witnesses.

Hattie Grayson  
Margaret Grayson

Priscilla her mark  
Grayson

Subscribed and sworn to before me this 7 day of November 1903

Comm. Ex. July 3. 1907

J. A. Roper

NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.

Mustang District.

I, Jane Stephens, a midwife, on oath state that I at-  
tended on Mrs. Priscilla Grayson, wife of John Grayson  
on the 27 day of December 1900, that there was born to her on said  
date a Female child; that said child is now living and is said to have been named  
(Male or female)  
Ajora Grayson

WITNESSES TO MARK:

Must be Two  
Witnesses.

Hattie Grayson  
Margaret Grayson

Jane her mark  
Stephens

Subscribed and sworn to before me this 27 day of Nov 1903

Comm. Ex. July 3. 1907

J. A. Roper

NOTARY PUBLIC.

COPY,

B. A. 186.

Muskogee, Indian Territory, November 23, 1905.

Priscilla Grayson,

Welsetka, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the birth of your minor child, Inera Grayson, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the birth of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

OF NO 642

Muskogee, Indian Territory, March 21, 1906.

Mr. L. H. Roth,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Isaac Grayson as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to file protest against said decision, and if, at the expiration of that time, no such protest has been made, said Isaac Grayson will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Chairman.

J. H. H. H.

Mh. 641.

Muskogee, Indian Territory, June 3, 1906.

John Grayson,

Clearview, Indian Territory.

Dear Sir:

You are hereby advised that the name of your minor child, Isora Grayson is contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior May 23, 1906, and that application for a selection of land in the Creek Nation may now be made for said Isora Grayson at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Commissioner in Charge.

CR EN 642

CR EN 642

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T., August 19, 1904.

In the matter of the application for the enrollment of Judy Spears et al., as Creek Freedmen.

APPEARANCES: M. L. Mett Attorney for Creek Nation:

JUDY SPEARS, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Judy Spears.  
Q How old are you? A About fifty.  
Q What is your post office address? A Boley.  
Q Do you make application for enrollment as a Creek Freedman? A  
Creek Freedman.  
Q Have you some children for whom you wish to apply? A Yes, sir.  
Q What is the name of the oldest? A Perry.  
Q How old is Perry? A About 20.  
Q What is the name of the next? A Katie?  
Q How old is she? A Eighteen.  
Q What is the next? A Chester.  
Q How old is he? A Seventeen.  
Q What is the next ones name? A Paschal.  
Q How old is he? A Fourteen.  
Q What is the next? A Richelieu.  
Q How old is he? A Eleven.  
Q Who is the next? A John H.  
Q How old is he? A Seven.  
Q What is the next one? A Jay P.  
Q How old is he? A Five.  
Q Are these children all alive and living with you? A Yes, sir.  
Q Have you a grandchild named ~~George~~ <sup>Truvenia</sup> Moore? A Yes, sir.  
Q Is that child living with you? A Yes, sir.  
Q What is the name of the father of your children? A Hiram Spears.  
Q Is he living? A Yes, sir.  
Q Do you claim that he has any rights in the Creek Nation? A No,  
sir.  
Q State man is he? A Yes, sir. <sup>Truvenia</sup>  
Q What is the name of the father of ~~George~~ <sup>Truvenia</sup> Moore? A George  
Moore.  
Q Is he living or dead? A I don't know sir.  
Q Do you claim he has any right in the Creek Nation? A No, sir.  
Q State man? A Yes, sir.  
Q What is the name of her mother? A Beula.  
Q Is she your daughter? A Yes, sir.  
Q Is she living or dead? A Dead.  
Q If she has any right in the Creek Nation it is through you is it?  
A Yes, sir.  
Q You are the mother of these other children? A Yes, sir, all but  
the one.  
Q Where do you live? A In the Creek Nation.  
Q How long have you lived in the Creek Nation this time? A Two  
years.  
Q Where did you live before that? A Texas.  
Q How long did you live in Texas? A I can't tell you. I was  
raised there.  
Q Where were you born? A In the Creek Nation, my mother says.  
Q Were you taken out of the Creek Nation before the War? A I can't  
tell you. I must have been taken out before the War because it aint  
fifty years since the War.



Judy Spears et al.,---2.

Q Where were you when you first could remember? A In Texas.  
Q Did you live in Texas all the time until you came here two years ago? A Yes, sir. Lived in Texas all the time.  
Q Were these children born in Texas? A Yes, sir.  
Q How old is Truvenia Moore? A About 9 years old.  
Q Have these children lived with you all their lives? A Yes, sir, all their lives.  
Q Did you ever draw any money from the Creek Nation? A No, sir.  
Q Was any money ever drawn for these children from the Creek Nation? A No, sir.  
Q Were you ever the slave of a Creek citizen? A Yes, sir, I suppose I was.  
Q You have that from information? A Yes, sir.  
Q Before the war? A Yes, sir.  
Q Were you and your mother sold out of the Creek Nation before the war? A I don't know whether mother was sold or how came her in the hands of a darkey.  
Q Do you know who your owner was when you was in Texas? A Mr. Daugherty.  
Q What was the name of your mother? A Katie Bruner.  
Q Did you go by the name of Bruner when you was a child? A When I got so I could remember I went by my father's name.  
Q What name was that? A Daugherty.  
Q Did you ever have any other name except Spears? A Not unless it was Spears Daugherty or Bruner.

The Dunn Roll examined and the applicant not identified by any of the names given by her.

The Tribal Rolls, in the possession of the Commission, of the Creek Nation examined and none of the applicants herein identified thereon.

Q Did you ever make application to any authority for citizenship in the Creek Nation? A No, sir. Never did.

The records of the Colbert Commission examined and it does not appear that application was made to that Commission for citizenship in the Creek Nation for any of the applicants herein.

The records of this Commission, under the act of June 10, 1896, examined and it does not appear that application was made for citizenship in the Creek Nation for any of the applicants herein.

---;;;000;;;---

I, Drennan C. Skaggs, on oath state that the above and foregoing is a full, true and correct transcript of my stenographic notes as taken in said cause on said date.

*Drennan C. Skaggs*

Subscribed and sworn to before me this 1st day of September, 1904

*Charles H. Hargen*  
Notary Public.

88/3

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:o:-

In the matter of the application of Judy Spears, for the enrollment of herself, her minor children, Perry, Katie, Chester, Paschal, Richelieu, John H. and Jay P. Spears, and her grand-child Truvenia Moore, as Creek Freedmen.

## -: D E C I S I O N :-

The record in this case shows that on August 19, 1904, Judy Spears appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself, her minor children, Perry, Katie, Chester, Paschal, Richelieu, John H. and Jay P. Spears, and her grand-child Truvenia Moore, as Creek Freedmen.

The evidence shows that the principal applicant is not identified on the roll of Creek Freedmen made by J. W. Dunn, nor are any of the applicants the descendants of a person whose name is found on said roll.

It does not appear that the applicant, or any of them, have ever been enrolled as citizens of the Creek Nation, nor does it appear that they, or any of them, have ever been admitted to citizenship in said Nation by the Creek Tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Judy Spears, Perry Spears, Katie Spears, Chester Spears, Paschal Spears, Richelieu Spears, John H. Spears and Jay P. Spears, and Truvenia Moore, as Creek Freedmen, and that the application for their enrollment as such, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.  
Commissioner.  
Commissioner.Muskogee, Indian Territory,  
\_\_\_\_\_

Handwritten: *Wright*  
Creek No 642

Muskogee, Indian Territory, January 13, 1905.

Judy Spears

Boley, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, Perry, Katie, Chester, Paschal, Michaelien, John H. and Jay P. Spears, and your minor grand-child, Truvonia Moore, as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

JYM-18-61.

*Handwritten initials*  
Creek En 642

Muskogee, Indian Territory, January 13, 1906.

M. L. Mott.

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Judy Spear, et al., as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYM-13-82.

254  
Creek Sn 642

Muskogee, Indian Territory, January 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Judy Spear, et al., as Creek Freedmen, including the decision of the Commission of January 4, 1905.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

JYL-13-63.

W.C.F.

DEPARTMENT OF THE INTERIOR,  
Washington.

April 8, 1905

I.T.D. 796-1905  
LRS

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

January 13, 1905, you transmitted the record in the matter of the application for the enrollment of Judy Spears, et al., as Creek Freedmen, including your decision of January 4, 1905, which was adverse to the applicants.

Reporting January 23, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos RYan

Acting Secretary

1 inclosure

Refer in reply to the following:  
Land  
4264-1905

Department of the Interior,  
Office of Indian Affairs,  
Washington, January 23, 1905

The Honorable,

The Secretary of the Interior,

Sir:

I enclose a report from the Commission to the Five civilized Tribes, dated January 13, 1905, transmitting the record of the application, made August 19, 1904, for enrollment as Creek Freedman by Judy Spears for herself, her minor children, Perry, Katie, Chester, Paschal, Richelieu, John H., and Jay P. Spears, and her grandchild Truvenia Moore.

January 4, 1905, the Commission decided adversely to all the applicants.

The record shows that the principal applicant is not identified on the Dunn roll, nor are any of the applicants descendants of a person whose name is found on that roll.

It does not appear that any of the applicants have ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,  
C F Larrabee  
Acting Commissioner

MMH  
W



P. D.  
Cr. Fr. 642.

Muskogee, Indian Territory, April 19, 1905.

Judy Spears,

Boley, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of April 8, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1905, denying the application for the enrollment of yourself and your seven minor children, Perry, Katie, Chester, Paschal, Richelieu, John H. and Jay P. Spears, and your minor grand-child Truvenia Moore, as Creek Freedmen.

Respectfully,

Chairman.

*P. dl.*

Cr. Fr. 642.

Muskogee, Indian Territory, April 19, 1905.

M. L. Mott,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of April 8, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1905, denying the application for the enrollment of Judy Spears and her seven minor children, Perry, Katie, Chester, Paschal, Richelieu, John H. and Jay P. Spears, and her minor grand-child Truvenia Moore, as Creek Freedmen.

Respectfully,

Chairman.

In 642

Muskogee, Indian Territory, December 12, 1905.

Fowler & Mathers,

Wewoka, Indian Territory.

Gentlemen:

Receipt is acknowledged of your letter of December 7, 1905, in which you ask the status of the application for the enrollment of Judy Spears, of Boley, Indian Territory, as a citizen of the Creek Nation, and you request that said case be reopened to give you an opportunity to introduce other and more material witnesses in said case.

In reply you are advised that on August 19, 1904, Judy Spears appeared before the Commission to the Five Civilized Tribes and then made application for the enrollment of herself and her eight children as citizens of the Creek Nation; January 13, 1905, said Commission denied said application; April 8, 1905, the Secretary of the Interior affirmed the decision of said Commission and all parties in interest were duly notified.

If you have evidence to offer which was not presented at the original hearing of the case, it will be necessary for the applicant to file with this office a motion for rehearing, addressed to the Secretary of the Interior, setting forth the nature of the evidence which she desires to present, the names of the witnesses,

F & M, 2.

what each would testify to, and the reasons why such evidence was not presented at the former hearing. Said motion must be sworn to by the applicant and accompanied by the affidavits of the witnesses she expects to introduce, said affidavits setting forth the facts to which they will testify and their means of obtaining knowledge of same. Motion and affidavits must show service on the attorney for the Creek Nation; an extra copy should be prepared for the files of this Office.

Respectfully,

Acting Commissioner.

CR EN 643

CR EN 643

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE INDIAN TERRITORY, AUGUST 17, 1904.

In the matter of the application for the enrollment, of Edie Oliver as a Creek Freedman; and her children, Gertrude, Cassie, Alleda, Nellie, James and Erna B. Oliver as Creek Freedmen.

APPEARANCES: Benj. Martin, Jr., attorney for applicants.  
M.L. Mott, attorney for Creek Nation.

Edie Oliver being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Edie Oliver.  
Q How old are you? A Forty seven.  
Q What is your post office address? A Wagoner.  
Q Do you make application to be enrolled as a Creek freedman? A Yes sir.  
Q Have you some children that you want to apply for that are under age?  
A Yes sir.  
Q What is the name of your eldest child that's under age? A Gertrude,  
she's 19.  
Q What is the name of the next one? A Cassie.  
Q How old is Cassie? A About 16.  
Q What is the name of the next one? A Alleda; about 14.  
Q Next? A Nellie; about 12.  
Q Next one? A James.  
Q How old is James? A He is 10 years old.  
Q Next? A Erna B.  
Q How old is she? A She's eight.  
Q Next? A That's all.  
Q Are these children all alive? A Yes sir.  
Q All live with you? A Yes sir.  
Q Have they lived with you all their lives? A Yes sir.  
  
Q What is the name of their father? A Adam Oliver.  
Q Do you make any claim that he is a citizen of the Creek Nation? A No  
sir.  
Q He is a state man, is he? A Yes sir.  
Q Where were you born? A Here in the Indian Territory.  
Q Were you taken out during the war? A I don't know; I was quite small  
and my mother was sold out of here.  
Q Your mother was sold out? A Yes sir; somebody stole her out when I  
was quite small.  
Q Did they take you with her? A Yes sir.  
Q Where were you when the war closed? A In Texas.  
Q How old were you then? A I don't know exactly; I was quite small;  
I can't remember anything about the war.  
Q How long did you live in Texas after the war? A I have been living  
there pretty near all my life till I moved here.  
Q When did you move here? A Two years now; I have been coming here  
several years backwards and forwards to see my brother.  
Q Have you a home in the Creek Nation now, keeping house? A Yes sir.  
Q Did you ever have a home here since the war until you came here two  
years ago? A No sir; I heard I had a right here but I never had a home.

Q Your home from the time of the close of the war until two years ago was in Texas, was it? A Yes sir.  
Q Did you ever draw any money from the Creek Nation? A No sir.  
Q Was any money ever drawn for you that you know of? A Well, I don't know whether it was or not.  
Q Was any money ever drawn for any of these children that you know of? A No.  
Q Were these children all born in Texas? A Yes sir.  
Q Lived there all their lives until they came here two years ago? A Yes sir.  
Q Did your mother come back to the Creek Nation after the war? A Yes she come back to see my brother.  
Q Left you out there? A Yes sir.  
Q Did she come back here to live? A No, she came out on a visit and stayed a while and went back intending to move out here and she taken sick and died.  
Q What was your mother's name? A Nellie Breidenthal.  
Q What was the name of your Creek owner? A I don't know; I was so small; I have heard my mother say but I have forgot.  
Q What were you called when you were a girl-- Edie Breidenthal? A No sir, Edie Grayson; sometimes Edie Scott.  
Q Have you been married more than once? A No sir, just once.  
Q Now, I understand you to say that you were carried to Texas before or during the war and that you never came back here to make it your home until about two years ago, is that true? A No sir, I never come back to make it my home till about 2 years ago; I come back to see my brother.

Examination by Mr. Martin:

Q You say you have a home and live with your family near Wagoner, Indian Territory? A Yes sir, right in Wagoner.  
Q What relation are you to Tackey Grayson? A Tackey is my brother; we are brothers and sisters.  
Q Is he your full brother? A Yes sir.  
Q Was he taken away when your mother was stolen and taken to the State of Texas? A No sir; there was nobody but me and her.  
Q He remained here in Indian Territory? A Yes sir.  
Q Did you ever make application to any of the Creek authorities or the government officers to be enrolled as a Creek freedman? A Yes sir; I made application a good while ago but I was rejected I guess.  
Q When and where? A Well, I sent to get some lawyers that lives near Okmulgee.  
Q What are the names of your sisters? A Mattie, Jennie and Ellen.  
Q Mattie, Jennie and Ellen? A Yes sir.  
Q How many of these are living? A I have a sister that has been living here all the time.  
Q What is her name? A Rose Bruner.  
Q Rose Bruner? A Yes sir, sister on father's side.  
Q She's just your half-sister? A Yes sir; Mattie and Jennie and Ellen is my half sisters.  
Q What is the name of your father? A Peter Grayson.  
Q Was he a citizen of the Creek Nation? A Yes sir. I always heard my mother say so.  
Q What is the name of your mother? A Nellie.  
Q Nellie what? Nellie Grayson? A Yes sir.  
Q Is the name of Peter Grayson, your father, on the Dunn Roll? A I don't know.  
Q You don't know whether it is or not? A No.  
Q You say you don't know whether your father's name is on the Dunn Roll or not? A No sir, I don't.  
Q Do you remember what town he was a member of? A No sir, I don't.  
Q Do you know what town you claim to be a member of in the Creek Nation? A No sir; never did hear anybody say.



By the Commission:

- Q Is your father dead? A Yes sir.  
Q How long has he been dead? A I don't know; can't say.  
Q A long time? A Yes sir.  
Q Been dead more than ten years? A Yes sir.

The Dunn roll examined and the father of the applicant not identified thereon.

By Mr. Martin:

- Q Did your father ever go by any other name except Peter Grayson?  
A Not as I knows of; I never did see him only when I was small; I never heard anything except what my mother and brother said.  
Q You have never drawn any money from the Creek Nation, have you? A No sir.

Tackey Grayson being duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Tackey Grayson.  
Q How old are you? A Fifty-seven past.  
Q What is your post office address? A Redbird.  
Q Do you know Edie Oliver? A Yes sir.  
Q Is she your sister? A Yes sir.  
Q Full sister? A Yes sir.  
Q To what town do you belong? A North Fork.

The records of the Commission show that Tackey Grayson is listed for enrollment on Creek Freedman card Field No. 162, and that his name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, No. 891, and that he is a member of North Fork town, and that his name appears on the Dunn Roll at No. 263.

Q Was your mother carried out of the Creek Nation before or during the war? A Well, to the best of my knowledge, as far as I can recollect, I can't tell you how long, but to the best of my knowledge I can remember when they called old Indian-- when he was breaking up from home, mother was free woman and they just stole mother and run off to Texas.  
Q Was that before the war or during? A Just about the breaking out of the war.

Q Did your mother ever come back to the Creek Nation to make it her home? A Yes sir; I can't tell you how long; she come back and stayed with me.

Q How long did she stay with you? A About a month; then she was going to get to the council and apply and Simon Brown was our town king at that time and he told her she was well known here and my father and mother and grandfather was all free darkies and she was born free; I can remember her good cause I named her. Simon Brown told her just go on and come back; I name you and I will make it all right. And so the old lady went back and got disabled and she got sick for about two years, and I went to Texas to see her and I heard she was pretty low. I was in Tulsa- I was Light Horse Captain in Tulsa then and I telegram to my sister Edie and she said she was dead and buried then and I never went.

Q How long after the war was it when she came and stayed a month with you? A About three years and a little over I think.

Q How long did she stay in the Creek Nation at that time when she came out here? A About a month.

Q So she didn't make her home here or move her family here as I understand you? Did she or not? A No; she went to move her family and when she got back she got disabled and wasn't able to come; she intended to come and make her home with me; I fixed a home for her.

Q And your mother was not a slave? A No sir; she was a slave; I mean she was not a slave in the Creek Nation.

Q I understood you to say she was a free woman? A She was a slave for a while, but her owner give her her freedom.

Q Was that before the war he gave her her freedom? A Yes sir.

Q What is the name of your father? A Peter Grayson.

Q Was he a slave? A Yes, for a while; he was freed too.

Q Was he freed before the slaves were generally freed? A Yes sir.

Q He was made a free man before that? A Yes sir; lived here just the same as the Indians.

Q About how long has he been dead? A He died here during the war. My father died during the war; we used to live right south of here on Elk Creek.

Q How long has Edie Oliver been living in the Creek Nation now, at this time? A She has been here often and on.

Q Well, how long this time? A Well, its right at two years since she has been living here.

Q She has moved here family here now, has she? A Yes sir.

Q Keeping house? A Yes sir.

Q Did she ever bring her family here before these last two years? A Bring part of them.

Q She never moved here entire family? A No sir she never moved her entire family but she brought part of her childrens' family here and had some business to do and her daughter went back home and never returned.

Q What town ought she belong to, provided she has any rights? A North Fork I guess; same town I do.

Q Do you know whether any money was ever drawn for her in the Creek Nation? A No sir.

Examination by Mr. Martin:

Q What relation are you to Edie Oliver? A She's my sister.

Q Is she your full sister? A Yes sir.

Q Her father's name was Peter Grayson? A Yes sir.

Q And her mother's name was what? A Nellie.

Q Do you know of any money ever having been drawn in any of the Creek payments for Edie Oliver? A No sir.

Q Didn't you or anybody else ever make application, to your knowledge, for her enrollment as a citizen? A Yes sir.

Q Tell about that. A During the 18 committee when Jim Colbert- I think he was the Creek court-- the Creek court was running the 18 committee; I went to the town king and he knowed my mother and I give old man, George Smith, her name; I was Light Horse Captain here then and I went to put their names down and give it to him and he wrote to me after that to send for Edie to come on and I didn't hear the name he had them enrolled; I wrote them to come and she was sick in bed and when she did come the roll was stopped for some period of time and they never did call the roll any more and I don't know whether they ever done anything more to it but I give old man George to the best of my knowledge; the four girls was living at that time; there's only two living now; Jennie and Mattie is dead; Ellen and Edie is living. And I give old man George the names and he took the slip to Colbert, and he said: "Send for your sister Edie at once". I sent for her and she was in bed and in about a month she come up and when she come they had continued the roll- stopped it and said they would start up at some other time and they never did proceed any further with the rolls and I don't know whether old man George put them on the original roll or not.

Q Is there anything else you want to say? A That roll was made up when Legus Perryman was Principal Chief; old man George had a slip like that and he give us the names.

By the Commission:

The records of the Commission examined and it appears that Edie Oliver made application for citizenship in the Creek Nation to the Commission to the Five Civilized Tribes under the act of June 10, 1896 (29 Stat., 321), for herself and children as follows:

Balm Oliver Joel Oliver Sallie G. Oliver Cassie Oliver Prince C. Oliver Allena Oliver Nellie A. Oliver Edward P. Oliver and Erna V. Oliver; that the application was denied by said commission and no appeal was taken from the decision then rendered.

By Mr. Martin:

Q What relation are you to Ellen Glascoo? A She's my sister.

Q Is she your full sister or half sister? A She's half sister.

Q On your father's or mother's side? A On mother's side.

Q Where does she live? A In Wagoner.

Q Do you know whether or not she's on any of the rolls? A No sir; she come here the same time as Edie did; they all live together and come together.

Q From Texas? A Yes sir.

Q What relation are you to the children of Jennie Carter? A She's my sister.

Q Full sister or half? A Half sister; Mattie Oliver is half sister; I had four sisters but two died; they have children and the other two is living.

Q Were they your half sisters on your father's or mother's side? On mother's side.

Q Where did they live at the time of their death-- these two sisters you spoke of? A Jennie she come up here and stayed a little while and she was sick when she come and she died right here; and this Miles Oliver lived up here-- he was Mattie's husband; she lived up here about five year's ago and she took sick and died.

Q Did they both die in the Creek Nation? A Yes sir.

Q Miles Oliver is here, is he? A Yes sir.

Q Miles Oliver don't claim citizenship does he? A No sir.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 3rd day of September, 1904.

W. L. Martin Jr.  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 17, 1904.

In the matter of the application for the enrollment of Hamp, Ellen, Winnie and Tessie Carter as Creek Freedmen.

APPEARANCES: M. L. Mott, attorney for Creek Nation.  
Benj. Martin, Jr., attorney for applicants.

Hamp Carter being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Hamp Carter  
Q How old are you? A Twenty three.  
Q What is your post office address? A Muskogee.  
Q Do you make application to be enrolled as a Creek Freedman? A Yes sir.  
Q Anyone else you want to apply for? A Yes sir; my three sisters.  
Q Are they minors? A They are younger than I am.  
Q What is the name of the oldest? A Ellen.  
Q How old is she? A About eighteen.  
Q What is the name of the next one? A Winnie.  
Q How old is she? A About 16.  
Q Next? A Tessie.  
Q Are these girls you have named here your full sisters? A Yes sir.  
Q Same father and mother as you have? A Yes sir.  
Q What is the name of their father? A John Carter.  
Q Do you claim he had any rights in the Creek Nation? A No sir.  
Q What is the name of your mother? A Fennie Carter.  
Q Do you claim she had any rights in the Creek Nation? A Yes sir.  
Q How long has she been dead? A About 3 years.  
Q Was any money ever drawn for you or any of your sisters in the Creek Nation? A I don't know.  
Q To what town in Creek Nation do you claim to belong? A I don't know.  
Q (prompted by his attorney, he says: "Nearly all my people belonged to--").  
Q Was your mother a full sister of Edie Oliver or half sister? A Half sister.  
Q Was she a full sister of Ellen Glasco? A I think so; I am not sure.  
Q Where were you born? A In Texas.  
Q And your sisters were also born there? A Yes sir.  
Q How long have you been in the Creek Nation? A For about, off and on.  
Q No sir; not off and on; this last time? A About 3 years.  
Q Whom did you come up with? A My aunts; the next day.  
Q Did you come here when Edie Oliver came? A Yes sir, 2 or 3 days afterwards.  
Q Whom do you live with-- are you keeping house with? A I am living with my aunt, Ellen Glasco.  
Q Do your sisters live with you? A No sir, they are in Texas-- all except one, Ellen.  
Q Have the others ever lived here? A No sir.  
Q Whom does Ellen live with? A Ellen Glasco. Except when she went out to uncle's-- Taskay Grayson.

Q Has she been living in the Creek Nation about two years? A No sir, about a month.

Q Does she make her home in the Creek Nation now? A Yes sir.

It is ordered that this case be consolidated with the case of Edie Oliver, et al., and the testimony in that case will be considered in connection with this application.

Examination by Mr. Martin:

Q What relation are you and your sisters to Tackey Grayson? A He is my uncle.

Q What relation are you and your sisters to Edie Oliver? A She's our aunty.

Q Was your mother born in Indian Territory or in Texas? A I don't know for sure.

Q Was your mother a full or half sister to Edie Oliver? A I think half sisters.

Q On your father's side or mother's side? A On mother's side.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains.*

Subscribed and sworn to before me this 24 day of September, 1904.

*H. Martin Jr.*  
Notary Public



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 23, 1904.

In the matter of the application for the enrollment of Prince C. Oliver as a Creek Freedman.

(Benjamin Martin Jr., Atty. for applicant.

APPEARANCES:

(

PRINCE C. OLIVER, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Prince C. Oliver.  
Q How old are you? A Twenty-two.  
Q What is your post office address? A Wagoner.  
Q Do you make application to be enrolled as a Creek Freedman? A  
I suppose so. Just like my mother.  
Q That is the way your mother applied? A That is the way I want  
to.  
Q Where do you live? A Wagoner.  
Q In the Creek Nation? A Yes, sir.  
Q How long have you lived in the Creek Nation? A Since November a  
year ago.  
Q Where did you come from? A Texas.  
Q Did you live in Texas all your life until you came to the Creek  
Nation a year ago? A Yes, sir.  
Q What is the name of your father? A Adam Oliver.  
Q Is he living or dead? A Living.  
Q Do you claim that he has any rights in the Creek Nation? A No,  
sir.  
Q State man is he? A Yes, sir.  
Q What is the name of your mother? A Edie Oliver.  
Q What town in the Creek Nation do you claim to belong to? A I  
don't know.  
Q Was any money ever drawn for you from the Creek Nation? A No, sir.  
Q Your rights, if you have any, come through your mother do they?  
A Yes, sir.

The record of proceedings of the Commission, under the act of June 10, 1896, show that application was made for Prince C. Oliver for citizenship in the Creek Nation, under the provisions of that act, Commission No. 112; that the application was denied and that no appeal was taken from the decision then rendered.

Q Now Mr. Martin, I understand you to say that this case depends upon the case of his mother and you want them all considered together? A Yes, sir.

It is ordered that this case be consolidated with the case of Edie Oliver et al., and that the testimony in that case be considered as applying to this case.

By Mr. Martin:

- Q What is the name of your minor child? A Elwin Lee Oliver.  
Q How old is that child? A Two months.

Prince C. Oliver---2.

I, Drennan C. Shaggs, on oath state that the above and foregoing is a full, true and correct transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Shaggs,

Subscribed and sworn to before me this 17 day of September,  
1904.

Edward K. Smith  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T., August 23, 1904.

In the matter of the application for the enrollment of Pearlle Smith as a Creek Freedman.

( Benjamin Martin Jr., Atty. for applicant  
APPEARANCES:  
(

PEARLLE SMITH, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Pearlle Smith.  
Q How old are you? A Twenty-two.  
Q What is your post office address? A Porter.  
Q Do you make application for enrollment as a Creek Freedman? A Yes, sir.  
Q Are you married? A Yes, sir.  
Q What was your name before you were married? A Pearlle Oliver.  
Q Where do you live? A Creek Nation.  
Q How long have you lived in the Creek Nation? A Will be six years in December.  
Q Where did you live before that? A Texas.  
Q Did you live all your life in Texas until six years ago? A Yes, sir.  
Q Did you ever draw any money from the Creek Nation? A Not that I know of.  
Q None ever drawn for you that you know of? A No, sir.  
Q What is the name of your father? A Miles Oliver.  
Q Is he living or dead? A Living.  
Q Do you claim that he has any rights in the Creek Nation? A No, sir.  
Q State man is he? A Yes, sir.  
Q What is the name of your mother? A Mattie Oliver.  
Q Is she living or dead? A Dead.  
Q How long has she been dead? A About five year.

The record of the proceedings of the Commission, under the act of June 10, 1896 (29 Stat., 321), examined and it appears that application for citizenship in the Creek Nation was made for Pearl Oliver, who is identified as the applicant herein, Commission case, No. 112; and that the application was denied and that no appeal was taken from the decision then rendered.

- Q To what town in the Creek Nation do you claim to belong? A I don't know.  
Q Did your mother come to the Creek Nation when you did? A Yes, sir.  
Q Had she been living in Texas before that? A Yes, sir.  
Q Are you a niece of Edie Oliver? A Yes, sir.  
Q Your mother and Edie Oliver were sisters? A Yes, sir.  
Q And the claim of your mother and Edie Oliver is all the same now is it? A Yes, sir.  
Q Just the same? A Yes, sir.  
Mr. Martin do you desire this case considered in connection with the Edie Oliver case? A Yes, sir.

This case will be consolidated with the case of Edie Oliver et al.

Pearlie Smith--2.

I, Brennan C. Shagan, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Brennan C. Shagan

Subscribed and sworn to before me this 11<sup>th</sup> day of September, 1904.

Charles H. Smith

603-405

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I.T., AUGUST 29, 1904.

In the matter of the application for the enrollment of Joel, Jennie Corrinne and Joel Princess Oliver as Creek Freedmen.

APPEARANCES: M.L. Nott, Attorney for Creek Nation.  
Benjamin Martin Jr., attorney for applicants.

Joel Oliver being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Joel Oliver.  
Q How old are you? A 29.  
Q What is your post office address? A Hillsboro, Texas.  
Q You live in Texas, do you? A Yes sir.  
Q How long have you lived in Texas? A 29 years.  
Q Lived there all your life? A Yes sir.  
Q Do you make application to be enrolled as a Creek Freedman? A Yes sir.  
Q What is the name of your father? A Adam Oliver.  
Q Do you claim he has any rights in the Creek Nation? A Not as I know of.  
Q What is the name of your mother? A Edith Oliver.  
Q Is that the same person who made application here a few days ago for enrollment? A Yes sir.  
Q She is your mother? A Yes sir.  
Q Your rights, if you have any, come through her and through her alone? A Yes sir.  
Q Have you some children you want to apply for? A Yes sir two. Jennie Corrinne and Joel Princess.  
Q How old is Jennie Corrinne? A She is 7.  
Q How old is Joel Princess? A She is 5.  
Q Are these children living? A Yes sir.  
Q What is the name of the mother? A Estella.  
Q Do you claim she has any rights in the Creek Nation? A No sir.  
Q State woman, is she? A Yes sir.

It is ordered that this case be consolidated with the application of Edie Oliver, et al.

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Henry G. Hains being sworn on his oath states that he stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 17th day of November, 1904.

*Drummond C. Hayges*  
NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

668.

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In the matter of the application for the enrollment of Edie Oliver and her minor children, Gertrude, Cassie, Alleda, Nellie, James and Erna B. Oliver; of Timmie, Sadie, Louanna, Miles and Artie May Oliver; of Ellen Glasco and her minor children, Ada, Robert, James Ernest, Martha Ellen, Isaac E., Theresa Lee, Thomas Hughes and Samantha Glasco; of Hamp, Ellen, Winnie and Tessie Carter; of Pearlle Smith; of Prince C. Oliver; of Joel, Jennie, Corrine and Joel Princess Oliver, as Creek Freedmen.

- I D E C I S I O N :-

The record in this case shows that on August 17, 1904, Edie Oliver appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her minor children, Gertrude, Cassie, Alleda, Nellie, James and Erna B. Oliver, as Creek Freedmen.

The record further shows that on said day, Ellen Glasco, a half sister of said Edie Oliver, appeared and made application for the enrollment of herself and her minor children, Ada, Robert, James Ernest, Martha Ellen, Isaac E., Theresa Lee, Thomas Hughes and Samantha Glasco, as Creek Freedmen.

The record further shows that on said day, Miles Oliver appeared and made application for the enrollment of his minor children, Timmie, Sadie, Louanna, Miles and Artie May Oliver as Creek Freedmen.

The record further shows that on said day, Hamp Carter appeared and made application for the enrollment of himself and his sisters, Ellen, Winnie and Tessie Carter as Creek Freedmen.

The record shows that on August 23, 1904, Prince C. Oliver son of Edie Oliver, appeared and made application for enrollment as a Creek Freedman.

The record further shows that on August 23, 1904, Pearlle Smith, a niece of said Edie Oliver, appeared and made application for enrollment as a Creek Freedman.

The record further shows that on August 29, 1904, Joel Oliver, son of Edie Oliver, appeared and made application for the enrollment of himself and his minor children, Jennie, Corrine and Joel Princess Oliver, as Creek Freedmen.

The evidence shows that none of the applicants are identified on the roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867, and that none of them is the descendant of a person whose name is found on said roll.

An examination of the tribal rolls of the Creek Nation in the possession of the Commission shows that none of the applicants herein are identified on any of said rolls.

The evidence further shows that application was made to the Commission for admission to citizenship in the Creek Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for Eddy, Sallie G., Cassie, Prince C., Alleda, Nellie A., and Erna V. Oliver; by Timmie, Sadie, Louanna and Miles Oliver Jr; and by Ellen, Ada, Robert, James Ernest, Martha Ellen, Isaac E. and Theresa Lee Glasco; that their applications were denied and that no appeal was taken from the decision then rendered.

It does not appear from the evidence that the applicants, or any of them, have ever been admitted to citizenship in the Creek Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of this Commission that there is no authority of law for the enrollment of said Edie Oliver, Gertrude


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Oliver, Cassie Oliver, Allada Oliver, Nellie Oliver, James Oliver, Emma  
B. Oliver, Ellen Glascoe, Ada Glascoe, Robert Glascoe, James Ernest  
Glascoe, Martha Ellen Glascoe, Isaac A. Glascoe, Theresa Lee Glascoe,  
Thomas Hughes Glascoe, Samantha Glascoe, Fannie Oliver, Sadie Oliver,  
Louanna Oliver, Miles Oliver, Artie May Oliver, Hamp Carter, Miles  
Carter, Nimmie Carter, Tessie Carter, Prince C. Oliver, Pearlly Smith,  
Joel Oliver, Jennie Oliver, Corrine Oliver and Joel Princess Oliver, as  
Creek Freedmen, and that the application for their enrollment as such  
should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Chairman

  
Commissioner

  
Commissioner

Muskogee, Indian Territory.

JUN 14 1905



Department of Interior,  
Commission to the Five  
Civilized Tribes.

Motion for Rehearing,

By  
Edie Oliver, Mattie Oliver,  
Jennie Carter, and Ellen Glasgow

For  
Enrolment as Creek Citizens.

COMMISSIONER TO FIVE TRIBES	
1000	Received
JUN 25 1906	

Department of the Interior  
Commission to the Five Civilized Tribes,

In the matter of the Application of  
Edie Oliver Mattie Oliver, Jennie Carter, ~~William Fox~~ <sup>William Fox</sup> ~~Holmes~~,  
Ellen Glasgow, and their Descendants,  
for enrolment as Creek Citizens.

And now comes Edie Oliver, Mattie Oliver, Jennie  
Carter, and Ellen Glasgow, and moves for a rehearing of the Appu-  
lication heretofore made on the ground of newly discovered testimony,  
which they were unaware of, and could not produce at the former  
hearing of said cause.

That if given another hearing they can produce evidence  
which will show that they are entitled to be enrolled as such Creek  
Citizens, and entitled to all their rights as such.

*W. H. Campbell*  
*W. H. Campbell*  
Attorney for Applicants



GP.MR: 6484-5.

Muskogee, Indian Territory, June 26, 1906.

M. S. West,

Muskogee, Indian Territory.

Sir,

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Edie Oliver et al., as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

30-6-26- 200.

Chairman.

OF IN: 84844-6;

Muskogee, Indian Territory, June 26, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Edie Oliver et al., as Creek Freedmen, including the decision of the Commission, dated June 14, 1908.

Respectfully,

Chairman.

Through the

Commissioner of Indian Affairs.

IX-6-86-881.

ORIN: 848-4-8:

Muskogee, Indian Territory, June 28, 1900.

Joel Oliver,  
Wallaheo, Texas:

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and your minor children, Jennie Gertrude and Joel Princess Oliver, as Creek Freedmen, denying said application:

The decision, with a copy of the proceedings had in the case in this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register,  
12-2-11-27.

Chairman.

Op. No. 848-4-8.

Muskogee, Indian Territory, June 26, 1908.

Pearlie Smith,

Porter, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes, in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.  
IN-8-86-874.

Chairman.

Office: 848-4-0.

Muskogee, Indian Territory, June 20, 1900.

Prince Oliver,

Wagoner, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Greek Freedman, copying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register,  
IM-4-22-278.

Gr. No. 848-4-B.

Muskogee, Indian Territory, June 26, 1900.

Miles Oliver,  
Reabird, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, Thomas, Sadie, Louanna, Miles and Artie May Oliver, as Creek Freedmen, deriving said application.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.  
IM-6-20872.

Gr. No. 643-4-5.

Muskogee, Indian Territory, June 26, 1906.

Willie Glassco,

Wagoner, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and your minor children, Ada, Robert, James Ernest, Martha Ellen, Isaac M., Theresa Lee, Thomas Hughes and Mamatha Glassco, as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chas Brown

Register.  
74-6-22- 271.



Op. No. 848-428.

Muskogee, Indian Territory, June 26, 1908.

Edie Oliver,

Wagoner, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, Gertrude, Gusie, Allie, Nellie, James and Anna M. Oliver, as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register,  
24-6-26- 270.

Chairman.

Cr. In. 645-4-8.

Muskogee, Indian Territory, June 26, 1908.

Benjamin Martin, Jr.,

Attorney for Male Oliver, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized in the matter of the application for the enrollment of Male Oliver et al., as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

IM-6-46- 279.

Cha Irman.

En. 648

Q R

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

September 20, 1908.

I.T.D. 10495-1908

LRM

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

June 26, 1908, the Commission to the Five Civilized Tribes transmitted the record of the consolidated applications for enrollment as Creek freedmen of Edie Oliver and her minor children; Gertrude, Cassie, Allida, Nellie, James, and Erna B. Oliver; of Timmie, Sadie, Louanna, Miles, and Artie May Oliver; of Ellen Glasco and her minor children, Ada, Robert, James Ernest, Martha Ellen, Isaac E., Theresa Lee, Thomas Hughes, and Samantha Glasco; of Hamp, Ellen, Minnie, and Tessie Carter; of Pearlle Smith; of Prince C. Oliver; of Joel, Jonnie, Corinne, and Joel Princess Oliver, including the decision of the Commission dated June 14, 1908, adverse to all the applicants.

August 10, 1908, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission adverse to all the applicants be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated June 14, 1908, adverse to the above named applicants is hereby affirmed.

Respectfully,

Thos Ryan  
Acting Secretary

1 inclosure

Report in reply to the following:

1888  
B0157-1908

Department of the Interior  
Office of Indian Affairs,  
Washington, August 18, 1908.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 26, 1908, transmitting the record of the application for enrollment as Creek freedmen by Miles Oliver for himself and her minor children, Gertrude, Cassie, Alice, Nellie, James and Anna V. Oliver, by Ellen Oliver for herself and her minor children, Ada, Robert, James Albert, Martha Ellen, Isaac M., Theresa Lee, Thomas Henry and Samantha Oliver; for Miles Oliver for his minor children, Annie, Sadie, Louanna, Miles and Arthur M. Oliver, by Sam Carter for himself and his children, Milton, Minnie and Fannie Carter, by Princess Oliver for herself and by Cecil Oliver for himself and his minor children, Corinne, Corrine and Cecil Princess Oliver.

June 14, 1908, the Commission decided adversely to all the applicants.

The record shows that none of the applicants is identified on the roll of any other roll of the Creek Nation. The record further shows that application was made to the Commission for admission to citizenship in the Creek Nation under the provisions of the act of June 18, 1906 (34 Stat. 225) for Andy, Willie O. Cassie, Prince O. Alice, Nellie A. and Anna V. Oliver, by Annie, Susan, Hannah and Miles Oliver, Sr. and by Miles, Ada, Robert, James Albert, Martha Ellen, Isaac Miles and Fannie Jan Oliver, that their application was denied and that no appeal was taken from the decision.

It does not appear that any of the applicants has ever been admitted to citizenship by any tribal authority of the Creek Nation or by any United States official.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

O. F. Harrison  
Acting Commissioner

✓  
No. 648

Muskogee, Indian Territory, September 27, 1908.

Pearlie Smith,

Porter, Indian Territory.

Dear Madam:

You are hereby advised that under date of September 20, 1908, the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1908, denying your application for enrollment as a Creek freedman.

Respectfully,

Commissioner.

En. 643

Muskogee, Indian Territory, September 27, 1905.

Joel Oliver,  
Hillsboro, Texas.

Dear Sir:

You are hereby advised that under date of September 20, 1905, the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1905, denying your application for enrollment as a Creek freedman.

Respectfully,

Commissioner.

En. 648

Muskogee, Indian Territory, September 27, 1908.

Miss Oliver,

~~\_\_\_\_\_~~ Indian Territory.

Dear Sir:

You are hereby advised that under date of September 20, 1908, the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1908, denying the application for the enrollment of yourself and your minor children, Timmie, Sadie, Houdgyn, Miles and Artie May Oliver, as Creek Freedmen.

Respectfully,

Commissioner.



No. 048

Muskogee, Indian Territory, September 27, 1905.

Prince Oliver,  
Wagoner, Indian Territory.

Dear Sir:

You are hereby advised that under date of September 20, 1905, the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1905, denying your application for enrollment as a Creek Freedman.

Respectfully,

Commissioner.

En. 643

Washago, Indian Territory, September 27, 1905.

Edie Oliver,  
Wagoner, Indian Territory.

Dear Madam:

You are hereby advised that under date of September 20, 1905, the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1905, denying the application for the enrollment of yourself and your minor children, Gertrude, Cassie, Allida, Nellie, James and Erma B. Oliver, as Creek freedmen.

Respectfully,

Commissioner.

No. 643

Muskogee, Indian Territory, September 27, 1906.

Benjamin Martin, Jr.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of September 20, 1905, the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1905, denying the application for the enrollment of Edie Oliver et al., as Creek freedmen.

Respectfully,

Commissioner.

1898

Washington, D.C., September 23, 1906.

The Honorable,  
The Secretary of the Interior.

SIR:

The Department under date of September 23, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1906, denying the consolidated applications for the enrollment of Kate Oliver, et al., Fannie Oliver, et al., Ellen Glasse, et al., Mary Carters, et al., Pearlie Smith, Thomas O. Oliver and Joel Oliver, et al., as Creek Freedmen.

There is inclosed herewith motion for rehearing in said case filed with this office July 28, 1906.

The statements set forth in said motion as grounds for rehearing are merely general in character the principal contention being that new evidence has been discovered which could not be procured at the former hearing of said cause.

Secretary S.

Said motion does not set out the nature of the newly discovered evidence, the reason such evidence could not have been introduced at the former hearing, nor is same supported by affidavits.

I am of the opinion that there is nothing contained in said motion sufficient to warrant a reopening of said case, and respectfully recommend that said motion for rehearing be denied.

Respectfully,

Commissioner.

LM-83

Through the Commissioner  
of Indian Affairs.

Copy  
REPLY IN REPLY DEPARTMENT OF THE INTERIOR  
TO THE FOLLOWING:  
LAND 6671-1-1906

OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, August 22, 1906

The Honorable,  
The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of July 28, 1906, from Tams Nixby, Commissioner to the Five Civilized Tribes, who says that the Department under date of September 20, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1905, being the consolidated applications for the enrollment of Nels Oliver, et al. Ellen Glance et al, Hamp Carter et al, Pearlle Smith, Prince G. Oliver and Keel Oliver et al, as Creek freedmen.

Mr. Nixby incloses a motion for rehearing on the consolidated cases, which were filed in his office July 28, 1906.

He says that the allegations set out in the motion as grounds for rehearing are merely general in character, the principal contention being that new evidence has been discovered which could not be procured at the former hearing of the case, but that the motion does not set out the nature of the newly discovered evidence, the reason the evidence could not have been introduced at the former hearing, nor is it supported by affidavits.

The Commissioner is therefore of the opinion that there is nothing contained in the motion which would warrant a reopening of the case, and recommends that the motion be denied.

Very respectfully,

F. R. Leupp.

Commissioner.

RBN-KRN

6074

L.D.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON,

THE.

L.T.D. 14660-1906.

September 17, 1906.

L.R.B.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.  
Sir:

July 28, 1906, you submitted a motion for rehearing in the consolidated applications for the enrollment of Hale Oliver, et al., as Creek Freedmen, in which case the Department, on September 20, 1905, affirmed your decision adverse to the applicants.

As recommended by you, the motion is denied, as the statements therein are only general in character and do not set out the nature of the alleged newly discovered evidence. There is nothing in the motion which would warrant a reopening of the case.

The motion is shown by the stamp thereon to have been filed in your office June 28, 1906, and not July 28th. as stated by you.

A copy of Indian Office letter of August 22, 1906, transmitting your report, is inclosed.

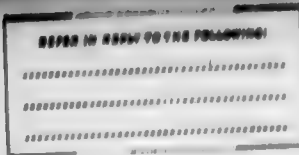
Respectfully,

1 inclosure.

Through the Commissioner  
of Indian Affairs.

Jesse M. Wilson.  
Assistant Secretary.





DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

W.H.H.

Washoe, Indian Territory, September 28, 1906.

Joel Oliver,  
Killsbore, Texas.

Dear Sir:

You are hereby advised that the Department under date of September 17, 1906, denied motion for reopening filed with this office June 28, 1906, in the matter of the consolidated applications for the enrollment of Edie Oliver, et al., Timmie Oliver, et al., Ellen Glasse, et al., Hamp Carter, et al., Pearlle Smith, Prince O. Oliver and Joel Oliver, et al., as Creek freedmen.

Respectfully,

Commissioner.

Muskogee, Indian Territory, September 26, 1906.

Pearlie Smith,

Porter, Indian Territory.

Dear Madam:

You are hereby advised that the Department under date of September 17, 1906, denied motion for reopening filed with this office July 26, 1906, in the matter of the consolidated applications for the enrollment of Edie Oliver, et al., Timmie Oliver, et al., Ellen Glasco, et al., Hamp Carter, et al., Pearlie Smith, Prince C. Oliver and Joel Oliver, et al., as Creek freedmen.

Respectfully,

Commissioner.

Wichita, Indian Territory, September 26, 1906.

Prince G. Oliver,  
Wagoner, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of September 17, 1906, denied motion for reopening filed with this office June 25, 1906, in the matter of the consolidated applications for the enrollment of Edie Oliver, et al., Timmie Oliver, et al., Helen Glasco, et al., Kemp Carter, et al., Pearlle Smith, Prince G. Oliver and Joel Oliver, et al., as Creek freedmen.

Respectfully,

Commissioner.

Muskogee, Indian Territory, September 26, 1906.

Hamp Carter,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of September 17, 1906, denied motion for reopening filed with this office June 25, 1906, in the matter of the consolidated applications for the enrollment of Edie Oliver, et al., Timmie Oliver, et al., Ellen Glasco, et al., Hamp Carter, et al., Pearlle Smith, Prince C. Oliver and Joel Oliver, et al., as Creek freedmen.

Respectfully,

Commissioner.

Muskogee, Indian Territory, September 26, 1906.

Ellen Glasco,

Wagoner, Indian Territory.

Dear Madam:

You are hereby advised that the Department under date of September 17, 1906, denied motion for reopening filed with this office June 26, 1906, in the matter of the consolidated applications for the enrollment of Edie Oliver, et al., Timmie Oliver, et al., Ellen Glasco, et al., Hamp Carter, et al., Pearlle Smith, Prince O. Oliver and Joel Oliver, et al., as Creek freedmen.

Respectfully,

Commissioner.

Muskogee, Indian Territory, September 26, 1906.

Edie Oliver,

Wagoner, Indian Territory.

Dear Madam:

You are hereby advised that the Department under date of September 17, 1906, denied motion for reopening filed with this office June 25, 1906, in the matter of the consolidated applications for the enrollment of Edie Oliver, et al., Timmie Oliver, et al., Ellen Glasco, et al., Hamp Carter, et al., Pearlle Smith, Prince C. Oliver and Joel Oliver, et al., as Creek freedmen.

Respectfully,

Commissioner.

Muskogee, Indian Territory, September 26, 1906.

Benjamin Martin, Jr.,  
Attorney at Law,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of September 17, 1906, denied motion for reopening filed with this office June 26, 1906, in the matter of the consolidated applications for the enrollment of Edie Oliver, et al., Timmie Oliver, et al., Ellen Glasco, et al., Hamp Carter, et al., Pearlle Smith, Prince G. Oliver and Joel Oliver, et al., as Creek freedmen.

Respectfully,

Commissioner.



Muskogee, Indian Territory, September 26, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of September 17, 1906, denied motion for reopening filed with this office June 25, 1906, in the matter of the consolidated applications for the enrollment of Edie Oliver, et al., Timmie Oliver, et al., Ellen Glasco, et al., Hamp Carter, et al., Pearlle Smith, Prince C. Oliver and Joel Oliver, et al., as Creek freedmen.

Respectfully,

Commissioner.

Muskogee, Indian Territory, September 26, 1906.

Percival Adams,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of September 17, 1906, denied motion for reopening filed with this office June 25, 1906, in the matter of the consolidated applications for the enrollment of Edie Oliver, et al., as Creek Freedmen.

Respectfully,

Commissioner.

Muskogee, Indian Territory, September 26, 1906.

J. B. Campbell,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of September 17, 1906, denied motion for reopening filed with this office June 25, 1906, in the matter of the application for the enrollment of Edie Oliver et al., as Creek Freedmen.

Respectfully,

Commissioner.

Muskogee, Indian Territory, September 26, 1906.

Miss Oliver,

Redbird, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of September 17, 1906, denied motion for reopening filed with this office June 25, 1906, in the matter of the consolidated applications for the enrollment of Edie Oliver, et al., Timmie Oliver, et al., Ellen Glasco, et al., Hamp Carter, et al., Pearlle Smith, Prince C. Oliver and Joel Oliver, et al., as Creek freedmen.

Respectfully,

Commissioner.

CR EN 644

CR EN 644

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MURKOOK, I.T. AUGUST 17, 1904.

In the matter of the application for the enrollment of Ellen, Ada, Robert, James Ernest, Martha Ellen, Isaac E., Theresa Lee, Thomas Hughes and Samantha Glasco, as Creek Freedmen.

APPEARANCES: M. E. Mott, Attorney for Creek Nation.  
Benjamin Martin, Jr., Attorney for applicants.

Ellen Glasco being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Ellen Glasco.  
Q Do you make application for enrollment as a Creek Freedman? A Yes sir.  
Q How old are you? A Thirty seven years old.  
Q What is your post office address? A Wagoner.  
Q You have some children for whom you wish to apply? A Yes sir.  
Q Those that are under age and living; what is the name of the oldest?  
A Ada; nineteen.  
Q Next? A Robert; seventeen.  
Q Next? A James Ernest; fifteen.  
Q Next? A Martha Ellen; twelve.  
Q Next? A Isaac E.; ten.  
Q Next? A Theresa Lee, eight.  
Q Next? A Thomas Hughes, a kid.  
Q How old? A He is six.  
Q Next? A Samantha.  
Q How old? A Four.

The records of the Commission show that Ellen Glasco made application to the Commission under the act of June 10, 1896 (29 Stat. 221), and included in said application the following children of said Ellen Glasco:

Ada Glasco  
Robert Glasco  
James Ernest Glasco  
Martha Ellen Glasco  
Isaac E. Glasco  
Theresa Lee Glasco;

that the application was denied by the Commission and that no appeal was taken from the decision then rendered.

Q What is the name of the father of these children? A Ike Glasco.  
Q Do you make any claim that he has any rights in the Creek Nation?  
A No sir.  
Q State man, is he? A Yes sir.  
Q Where were you born? A In Texas.

Q How long did you live in Texas? A All my life until about 2 years ago.  
Q Did you ever draw any money from the Creek Nation? A No sir, not as I know of.  
Q Was any money ever drawn for any of these children from the Creek Nation? A No sir.  
Q What is the name of your father? A Doc Breidenthal.  
Q Was he a citizen of the Creek Nation? A No sir.  
Q State man, was he? A Yes sir.  
Q What is the name of your mother? A Nellie Grayson.  
Q You have the same mother as Edie Oliver, have you? A Yes sir.  
Q Different father? A Yes sir.  
Q Your mother was also the mother of Tackey Grayson? A Yes sir.  
Q But you had different fathers? A Yes sir.  
Q How long have you been in the Creek Nation? A To live?  
Q Yes. A Two years.  
Q Has this been your home for two years? A Yes sir.  
Q Before that your home was in Texas? A Yes sir.

Examination by Mr. Martin:

Q Miles Oliver is a brother in law of yours, is he? A Yes sir.  
Q His wife, who was your sister, is dead? A Yes sir.

By the Commission:

It is ordered that this case be consolidated with the case of Edie Oliver et al.

Henry G. Haines being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Haines.*

Subscribed and sworn to before me this 3rd day of September, 1904.

*H. C. Martin Jr.*  
Notary Public.



En. 643

Muskogee, Indian Territory, September 27, 1905.

Ellen Glasco,  
Wagoner, Indian Territory.

Dear Madam:

You are hereby advised that under date of September 20, 1905, the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1905, denying the application for the enrollment of yourself and your minor children, Ada, Robert, James Ernest, Martha Ellen, Isaac ~~Lee~~ ~~Thomas~~ Lee, Thomas Hughes and Samantha Glasco, as Creek freedmen.

Respectfully,

Commissioner.

CR EN 645

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CR EN 645

CR EN 646

CR EN 646

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 17, 1904.

In the matter of the application for the enrollment of Albert,  
David, Pinkie and Gracie Hawkins as Creek Freedmen.

Appearance: A.S. McRae, attorney for applicants.  
M.L. Mott, attorney for Creek Nation.

Albert Hawkins being duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Albert Hawkins.  
Q How old are you? A About 26 years of age.  
Q What is your post office address? A Muskogee.  
Q Do you make application for enrollment as a Creek Freedman? A Yes sir.  
Q Where do you live? A Between Arkansas and Verdigris.  
Q How long have you lived in the Creek Nation? A About 17 years.  
Q Where did you come from? A Texas.  
Q Were you born in Texas? A Yes sir. (Born in Tex. in 1878)  
Q Did you live in Texas up till 17 years ago? A I lived in Indian Territory.  
Q Did you live all your life in Texas up to 17 years ago? A Yes sir.  
Q Do you make application to be enrolled as a Creek Freedman? A Yes sir.  
Q To what town in the Creek Nation do you claim to belong? A Arkansas  
Q Did you ever draw any money from the Creek Nation? A No sir.  
Q What is the name of your father? A Uriah Hawkins.  
Q Is he living or dead? A He is dead.  
Q Was he a citizen of the Creek Nation? A Yes sir.  
Q Do you claim that he belonged to Arkansas town? A Yes sir.  
Q What is the name of your mother? A Relia Hawkins.  
Q Is she living or dead? A She's living.  
Q Do you claim that she has any rights in the Creek Nation? A No sir, she's a state woman.  
Q Did your father have any brothers and sisters? A Yes sir.  
Q What were their names? A Philip and Squire. That's all.  
Q Have any sisters? A Not as I know of; can't recollect of- there's none living I know of.  
Q Are Philip and Squire living? A Yes sir.  
Q How long have they been dead? A I don't know whether uncle Philip is living or not, but uncle Squire I know he is not living cause he has been dead about- if the sayings is true- about 25 years.  
Q Do you know what was the name of your father's father? A Yes sir.  
Q What? A Arch; old man Arch.  
Q What was his mother's name? A My father's mother?  
Q Yes. A Jennie; that's what they say; I don't know myself.  
Q Do you know Mollie Gossett? A No sir.  
Q Do you know Katy Young? A No sir.  
Q Do you know Joseph Jackson and George Jackson? A No sir.  
Q Do you know Nose Redmouth? A No sir.  
Q Have you some minor brothers and sisters? A Yes sir.  
Q What is the name of the oldest? A David.  
Q How old is he? A About 18 years old.  
Q What is the name of the next? A Pinkie.  
Q How old is she? A About 16.  
Q What is the name of the next? A Gracie.

Q How old is Gracie? A About 14.  
Q Next? A That's all.  
Q Are they full brothers and sisters of yours? A Yes sir.  
Q Same father and same mother? A Yes sir.  
Q How long has your father been dead? A About 16 years.  
Q How could that child be a full sister of yours, that one fourteen years old, if your father died 14 years ago? A No, its 11 years my father died.  
Q Where did he die? A Right over here on the Arkansas river.  
Q Was he living in the Creek Nation then? A Yes sir.  
Q How long had he been here? A About 8 years I reckon.  
Q Where did he come from, Texas? A Yes sir.

William McIntosh being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A William McIntosh.  
Q How old are you? A 67 or 68.  
Q What is your post office address? A Ridge.  
Q Do you know Albert Hawkins? A Yes sir; I know him by the name.  
Q How long have you known this man who says his name is Albert Hawkins?  
A About three weeks ago when I met him here in Muskogee.  
Q Did you ever know a man by the name of Uriah Hawkins? A Not by that name; I don't remember. I know a Squire Hawkins and I know Isaiah Hawkins, and one I don't know whether they give his name that way or not; they called him Doggie a nick-name.  
Q Did you know Katy Young? A Yes sir; she's not of this family at all; she's of a family of mine.  
Q Do you know Mollie Gossett? A Yes sir; sister of Katy.  
Q Was the man that this man, Albert Hawkins, claims as his father any kin to you? A No sir, only a fellow servant.  
Q What was the name of the man that he says was his father? A Isaiah Hawkins.  
Q Did you know Ginda Hawkins or Ginta? A Yes sir, that Ginty was Mrs. Gossett's mother.  
Q Did she have a good many children? A Yes sir, a good many; about 14 or 15. But they aint all living.  
Q Did she have one named Amy? A Yes sir.  
Q She is dead is she? A Yes sir.  
Q Have one named Robert? A Robert is Amy's son.  
Q Who was Betty Ann? A Amy's sister.  
Q Do you know Sally? A Betty Ann's girl.  
Q Do you know Batten? A Betty Ann's.  
Q Do you know Molly? A Sister of Betty Ann.  
Q Who is next to Molly? A I think the one next to Molly died; that's Luna; she died. And the next to Looney I think was Billy.  
Q Who was Katy; do you know her? A Katy is next older; Katy is next to Betty Ann I think; they was all sisters.  
Q Well, was there one named John? A Yes; that's Katy's son.  
Q One named Nancy? A That's amongst the youngest ones; I may miss the young ones.  
Q Was there one named Billy? A Yes sir.  
Q Peggy? A Yes, Peggy Friday I think.  
Q Gracie? A Yes, Gracie Corbray.  
Q Was there one named Squire? A That's a child of either Grace or Peggy.  
Q Now, I understand you to say that the people I have named over here that the father of this man, Albert, didn't belong to that family?  
A No sir; they was a cousin of mine's children; Ginty and me was first cousins; brothers and sister's children.

Q And the man that he says was his father was named Isaiah? A Yes, sir; different family; I know the family; but they were all fellow servants.

Q Was Isaiah an elder or younger man than you? A Younger.

Q About how old was he when the war closed? A About 35 or 40 I guess.

Q Was he taken out of the Creek Nation during the war? A Before the war.

Q Was he sold out? A No sir, he went down to work with his mother's aunt.

Q Did he come back to the Creek Nation after the war? A After the war.

Q How long after? A A good bit after; I can't tell just when.

Q Several years? A Yes sir, about several years.

Q About how long has it been since he returned to the Creek Nation, if you remember? A It couldn't have been much more than 20 or 25 years ago when he returned.

Examination by Mr. McGee:

Q Mr. McIntosh, can you fix the time exactly as to when the father of this applicant went out of the Creek Nation? A No sir, I can't exactly fix it but I am satisfied that he was taken out sometime before the war.

Q A little bit before the war? A Some bit; I guess it was every bit of about 9 or 10 years before the war.

Q You don't know where he went to work? A Yes sir; down in Texas.

Q Did he ever go by any other name other than Isaiah? A Isaiah Hawkins is all I know of.

Q You never knew him to go by any other name? A No sir.

Q That's the name you knew Albert's father to go by? A Yes sir.

Q Do you know when he returned to the Creek Nation with his family?

A Yes sir, in about 20 or 25 years ago.

Q And he remained in the Creek Nation up till the time of his death, did he? A Yes sir; he went to work ferrying and a Norther come up and caught him on the river and he froze on the bank.

Q Have you known the family ever since they returned to the Creek Nation? A Yes sir.

Q This boy wasn't born then, was he? A Not that I know of.

Q How many persons, did his family consist of when he returned? A I really don't know how many he did have; I knowed him well.

Q Do you know whether or not he was ever enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A No sir.

Q Do you know whether or not he ever applied to make application for enrollment as a citizen? A I think he did; I don't know.

Q Do you know what disposition was made of his application? A No sir.

Q Don't know whether he was admitted or not? A No sir.

Q You don't know whether this is the son of the man you speak of or not? A No sir, I can't swear to it.

Q All you know about his parentage is what you have been told? A I can't swear about it myself.

Q He could have gone by some other name without your knowing it, couldn't he? A Yes sir.

Q Isaiah could have been a nick name, couldn't it? A No; if they give any other name that would have to be the nick name, cause I knew him from his birth.

Jacob Morey being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Jacob Morey.

Q How old are you? A 63 years old.

Q What is your post office address? A Muskegee.

Q Are you a citizen of the Creek Nation? A Yes sir.  
 Q Do you know Albert Hawkins? A I used to know him.  
 Q When did you know him? A Ever since I was small.  
 Q Ever since when? A I knowed him when I was quite small.  
 Q Do you know this applicant that got you to come in here to witness?  
 A Yes sir.  
 Q What is his name? A Euberta Hawkins. He says his name is Euberta-  
 (applicant says Euberta is a nick name).  
 Q You know this applicant here? A Yes sir.  
 Q How long have you known him? A I have known him since he was small.  
 Q Where did you know him? A Born between the two rivers.  
 Q Did you know his father? A Yes sir.  
 Q What was his name? A Most name I knowed him by was Isaac but he got  
 another name.  
 Q What was his other name? A I forget that but he had a nice name.  
 Q When did you first know this man's father? A I knowed him; he come  
 to my foreparents house, there was where I knowed him.  
 Q Did you know him before the war? A Yes sir, when he was quite small.  
 Q What did they call him then? A Isaiah; but he had another name; I  
 can't hardly think of that name.  
 Q Was he taken out of the Creek Nation before the war? A Yes sir.  
 Q Was he sold out? A I can't tell you that.  
 Q What was the name of his owner when he left the Creek Nation? A Haw-  
 kins.  
 Q What Hawkins was that? A Jane Hawkins I suppose; white woman.  
 Q Did you see him any more after he was taken out of here until after  
 the war? A Yes sir, I saw him here before he died.  
 Q What I asked you was, if you saw him here any more until after the  
 war? A No; I didn't see him any more until they took him away; he was  
 quite small.  
 Q Where did they take him to? A Texas.  
 Q When did he come back from Texas? A About 10 years ago.  
 Q He died here in the Creek Nation, did he? A Yes sir.  
 Q How long had he been here when he died, about? A I guess its been  
 about ten years; not very long; about ten years.  
 Q He had been here about 10 years when he died? A Yes sir.  
 Q Do you know where he came from? A Texas, he claimed.  
 Q We claimed that he came from Texas? A Yes sir.  
 Q How far did he live from you when he came back here the last time?  
 A About 2 miles I guess.  
 Q Did you ever know a woman by the name of Cinty Hawkins? (No answer).  
 Q Do you know Katy Young? A No sir.  
 Q Do you know Molly Gossett? A No sir.  
 Q Isaiah Hawkins was just a boy when he was taken away from here? A Yes  
 sir; we used to play together when we was quite small; I knowed Isaiah and  
 his three brothers.  
 Q What were their names? A One was Philip and one Dogie- they called  
 him Archie I believe.  
 Q Then he had a sister, did he? A She named Patsy; there was a girl  
 with them.  
 Q Did they take them with them? A I don't know; when I come to my senses  
 they was all gone. I knowed them when they come back and I asked Isaiah  
 if he could remember me; he looked at me a long time and said "yes".  
 Q Do you know whether the others ever came back from Texas, or not?  
 His brothers and sisters? A There was one more came back.  
 Q Who was that? A Doggie.

By A.S. Moras:

Q I believe you said a while ago that Isaiah was a nick name and that  
 he had another name; can you recollect the name now that he was known by?  
 A Archie or some such name but I don't know him by that name.  
 Q Well, you would remember the name if you heard it called? A Yes sir.



Q Was he sometimes called or known by the name of Uriah? A Yes sir, I believe I remember that; but he wasn't called that very often.  
Q Then Uriah was his proper name, was it? A Yes sir.  
Q Well, now, do you know to whom he belonged before the war? A Belonged to Hawkins; a white woman named Jane Hawkins.  
Q Was she a Creek citizen of Creek blood? A Yes sir.  
Q Now, Mr. Morey, you can't state with any degree of certainty as to when Uriah, alias Isaiah Hawkins, returned to the Creek Nation, can you? A No sir, I can't.  
Q Do you know where he died? A Across the river there in the Creek Nation.  
Q In the Creek Nation? A Yes sir, right above the Hatoll bridge.  
Q Do you know whether or not Uriah, alias Isaiah name appears on any of the tribal rolls of the Creek Nation? A I suppose so; I don't know.  
Q You know this applicant to be his son, do you? A Yes sir.  
Q You are intimately acquainted with the family? A Yes sir.  
Q Has he any other children living besides the applicant, Albert Hawkins? A Yes sir.  
Q Do you know their names? A Yes sir.  
Q Call the names, if you can; if you remember; if you can remember the names, say so. A I can remember those that's here; I knowed that girl.  
Q This girl sitting here? A Yes sir.  
Q Is she his daughter? A Yes sir, his sister.  
Q She's a daughter of Uriah? A Yes sir.

Wiley Sukey being sworn testified as follows through Alex Posey, official interpreter:

Examination by the Commission:

Q What is your name? A Wiley Sukey.  
Q How old are you? A I don't know my age; I was a young man back in the old country.  
Q Were you born before the war? A Long time before the war.  
Q What is your post office address? A Muskogee.  
Q Do you know Albert Hawkins? A I knowed him by two names, Albert and Isaiah.  
Q Do you know this man right here--(pointing to applicant)? A Yes sir.  
Q What is his name? A Albert and Isaiah.  
Q How long have you known this fellow here? A About 10 years.  
Q Did you know his father? A Yes sir.  
Q What was his father's name? A Isaiah.  
Q Was his father the slave of a Creek citizen before the war? A Yes sir.  
Q Was his father taken out of the Creek Nation before the war? A He was taken away long before the war; I don't know but I heard he was taken to Texas.  
Q Was he sold? A I don't know.  
Q Did you ever hear Isaac called by any other name? A No sir.  
Q Did you know him again after the war? A Yes sir.  
Q About how long after the war was it that he came back to the Creek Nation? A I don't know how long it was after the war that he returned but he had a wife and children when he returned.  
Q How long has he been dead? A About 10 years.  
Q How long had he been back here when he died? A I can't say how many years.  
Q Did he have any brothers and sisters? A When he was taken away from here he had two brothers and mother.  
Q What was his mother's name? A Liza.

Q Did she ever come back to the Creek Nation? A I have never seen her since.

Q What are the names of his two brothers? A They were small; I don't know the names; I know that Isaiah returned and he fell into the Arkansas and froze to death.

Q What was the name of Isaiah's Creek owner? A Jane Hawkins.

Examination by A.S. McRae:

Q Ask him if he went out of the Creek Nation any time before or during the war of the Rebellion himself? A I went North during the war.

Q Ask him how long did he remain North? A I don't think it was quite a year I returned to Ft. Gibson.

Q Now ask him if this boy's father, the applicant, ever went by any other name beside Isaiah as he knew of? A Isaiah Hawkins; he was named after his master, Isaiah Hawkins, but his father was Archie, a Coweta; I don't know of any other name for him but Isaiah.

Q Now ask him about how old was Isaiah when he went out of the Creek Nation? A I don't know his age but he was a boy.

Q Ask him if he was carried out by his owners, the Hawkins? A I don't know whether it was his mistress or Eula McIntosh or the Crabtrees.

Q Ask him if either of the parties mentioned were Indians or Creek citizens by blood? A Yes sir.

Q Now ask him if they ever returned back to the Creek Nation? A Yes sir.

Q Ask him if they returned before or after the war? A The first summer after the war. The first time I saw them near Ft. Gibson where the Creeks held the council.

Q Ask him if he knows who returned with them; if any colored persons returned? A They returned by themselves.

Q Ask him if any of the parties who he mentioned were the same parties that carried Isaiah Hawkins out of the Creek Nation? A I think so.

Albert Hawkins recalled:

Examination by Mr. McRae:

Q You are the applicant who have just applied for citizenship? A Yes sir.

Q Albert, did your father, to your knowledge, go by any other name besides Isaiah? A Yes sir.

Q What was it? A Uriah; his business name all the time I know of him doing any business with anybody was Uriah, but some one of them give his old owner's name of Isaiah.

(Statement by A.S. McRae:

I would like to have it to be shown in the record, Mr. Commissioner if the name of one Uriah appears upon the tribal rolls, and if no, what is the status of that person..)

Q Did you ever hear your father, Uriah, state that his name appears upon any of the tribal rolls of the Creek Nation in his life time? A He said his father had his name here and he left Texas once and come out here; and I can't say just when it was when he left-- that was when I was a little bit of a boy, but he come here and I don't know whether he put his name on the rolls or not or had his name put on.

Q Did he come for that purpose, did he say? A Yes sir, he come for that purpose from what mother says; when he come back he got back and the biggest majority of his ~~land~~ property he had there in Texas was to be disposed of and he wasn't able to get here.

William McIntosh recalled:

By the Commission:

Q Did this young man's father here ever live in the family of William and Cinty Hawkins? A No sir.

The Dunn roll examined and at No. 1174 is found the name Uriah

Hawkins; from the family association, it is not believed at this time, that the Uriah Hawkins found thereon is the father of the applicant herein.

In the matter of the application for the enrollment of Lula Jameson as a Creek Freedman, ~~and her mother, Lula Jameson, and her father, Albert Hawkins, being duly sworn, testified as follows:~~  
Lula Hawkins being duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Lula Hawkins.  
Q Are you a sister of Albert Hawkins? A Yes sir.  
Q How old are you? A About 23.  
Q What is your post office address? A Muskogee.  
Q What is the name of your father? A Isaiah was what they called him but Uriah was his name.  
Q You have the same father that Albert has? A Yes sir.  
Q Same mother? A Yes sir.  
Q You are a full sis'er of his? A Yes sir.  
Q Have you any children? A Yes sir; one.  
Q How old is it? A Going on four years old.  
Q When was it born? A In the year 1900.  
Q What month? A In January.  
Q What is the name of that child? A Jennie Jameson.  
Q What is the name of the child's father? A Louis Jameson.  
Q Is he a citizen of the Creek Nation? A Yes sir.

It is ordered that this application be consolidated with the application of Albert Hawkins et al., and the testimony in his case be considered as a part of this case.

- Q Did you make application to have this child enrolled, or his father?  
A His father.

The records of the Commission show that Jennie Jameson is regularly listed for enrollment on Creek Freedman card Field No. 1672, approved roll No. 5113; that her father is Louis Jameson, a citizen of Arkansas town, and that her mother is Lula Jameson, a United States citizen; an affidavit in that case was executed by Lula Jameson, and she states therein that she is a citizen of the United States.

Examination by A. S. MURKIN:

- Q Lula, at the time that you executed the birth affidavit of your child, Jennie Jameson, was there any statement made to you as to whether or not you were a citizen of the United States or a Creek citizen entitled to rights in the Creek Nation, when you made that affidavit? A Well, they asked me if I was a United States citizen or Creek citizen and I told him I was a Creek citizen by blood but I never proved my rights as such and they just told me: "You are a United States citizen; you are considered as a United States citizen."  
Q When you made that affidavit you had no intention at that time or now of forfeiting any right that you may have had in the Creek Nation, did you? A No sir; cause I always wanted my rights; I know my father.  
Q Now, state whether or not it is true or untrue that you are a citizen of the Creek Nation or a citizen of the United States, in as far as your property rights, if you have any, is concerned? A I am a citizen of the Creek Nation by blood.

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Q Do you have blood or freedom? A Yes sir.  
Q Freedom? A Yes sir.

By the Commission:

Q Are you married? A Yes sir.

Q What's your name right now? A John J. [unclear]

Albert [unclear] [unclear]:

By the Commission's attorney for the [unclear] [unclear]:

Q Albert, the name of one [unclear] [unclear] [unclear] of the [unclear] roll is [unclear] whether or not that is the [unclear] [unclear] you claim to be your father (have you any reason to believe that is your father? Alas sir.

Q Just say yes or no. A Yes sir.

Q State why you believe that the [unclear] whose name appears on said roll at that number is your father. A Cause that's my father's name and my father left Texas to get his citizenship and returned to bring his family and had all his property gone and he couldn't get that right away.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the [unclear] [unclear] [unclear] he reported the above facts and that this is a full true and correct transcript of his stenographic notes in [unclear].

*Henry G. Hains*

Subscribed and sworn to before me this 3rd day of September, 1904.

*H. S. Martin*

Notary Public.

Creek En 646.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 2, 1905.

In the matter of the application for the enrollment of Albert Hawkins, et al. as Creek Freedmen.

(Attorney for the Creek Nation was not present after being requested by 'phone so to do).

APPEARANCES: A. S. McRAE, Attorney for applicants.

Ed London, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Ed London.  
Q How old are you? A 79.  
Q What is your postoffice? A Right here, Muskogee.  
Q Do you know Albert Hawkins? A Yes sir.  
Q Do you know David, Pinkie and Gracie Hawkins? A Yes sir.  
Q What relation are they to Albert? A Kin people--cousins, sisters and brothers.  
Q Is David his brother? A Yes, that's what he claims.  
Q The same father and mother that Albert has? A That's what they say.  
Q How long have you known Albert? A All my days; we used to be boys together.  
Q How old is he? A I couldn't tell; I know we used to be boys together.

(Attorney McRae states that witness has the matter "mixed up")

- Q I want you to think what you are talking about: how old a man is Albert Hawkins? A I couldn't tell you his age; maybe older than I am.

(It appears it is difficult to elicit intelligible answers from witness).

BY MR. McRAE:

- Q I will ask you, Mr. London, if you knew the father of Albert Hawkins, the applicant in this case? A I couldn't tell.  
Q Do you know the applicant in this case, Albert Hawkins? Say yes or no. A I know one Albert Hawkins; I don't know if he is the same man or not.  
Q Do you know his sister, Lula Hawkins? A Yes, I know Lula Hawkins, but I can't recollect Albert Hawkins.  
Q Were you acquainted with a man by the name of ~~Isaac~~ <sup>Isaac</sup> Hawkins?  
A Oh, yes, I knew him; knew him when I was a boy.



Albert Hawkins, et al-----1.

*David*  
Q Where did you first learn ~~Isaac~~ *David* Hawkins--in the Creek Nation, Indian Territory? A Yes sir.  
Q Was that before or since the war of the rebellion? A Since the war; I knew him before the war.  
Q Was he owned by a Creek citizen--of Creek blood--Creek Indian, ~~Isaac~~ *David* Hawkins? A Yes, Creek Indian.  
Q To whom did he belong? A Belonged to Jane Hawkins.  
Q Now I will ask you Mr. London if you knew him by any other name--other than ~~Isaac~~ *David*--did he ever have any other name? They gave him a nick name.  
Q What was that? A Can't remember.  
Q Would you remember if it was called to you? A Yes.  
Q Was he known by the name of Uriah? A Yes.  
Q Was that his nick name? A Yes sir.

BY THE COMMISSION:

*David*  
Q Was he known by any other name ~~than~~ besides that of ~~Isaac~~ *David* and Uriah? A When I first knew him it was ~~Isaac~~ *David*; then they gave him a nick name.  
Q What else did they call him? A Don't know.  
Q Ever hear him called Jim? A No sir.  
Q Ever called Dougie? A No sir.  
Q How long have you known him? A When he was a boy.  
Q How long? A Ever since before the war.  
Q How many years approximately? (No answer)  
Q Is he living? A Dead.  
Q When did he die? A One winter sometime ago; it was a cold winter.  
Q Was it 20 years ago? A I reckon it is about that.  
Q 30 years ago? A ----  
Q Did he die before the war? A After the war.  
Q How long? A It cannot be very long; not very long after the war, no sir.  
Q Did you know him from before the war up to the time he died? A Yes sir.

BY MR. McRAE:

*David*  
Q Do you know ~~Isaac~~ *David* Or Uriah Hawkins' whereabouts during the war?  
A He was at Becky Hagerty's.  
Q I will ask you, Mr. London, if he went out of the Creek Nation before the war of the rebellion? A Yes sir.  
Q Do you know where he went to? A To Becky Hagerty's.  
Q Where is Becky Hagerty? A She lived in Jefferson.  
Q In what State? A Don't know.  
Q Did you see him in the Creek Nation after the war? A Yes sir.  
Q Do you know of your own knowledge whether or not ~~Isaac~~ *David* or Uriah Hawkins was in the Creek Nation at the time the Dunn Roll was being made--of your own knowledge? A I couldn't tell.  
Q You saw him here after the Roll was made--about how long? A I couldn't say how long; I couldn't tell you.  
Q Did you say that he was here and returned back to where he came from after his family? A Yes sir.  
Q You don't know where he went to after his family? A He went back--he went back after his family.  
Q Where? A Becky Hagerty's.

Albert Hawkins, et al.-----3.

Q Do you know when he returned back to the Creek Nation with his family? A Yes sir.

Q How long was it after the first time you saw him after the war before he brought his family? A I couldn't tell.

Q Was it as much as a year or five years or ten years? A It wasn't that long.

Q As much as five years? A Yes sir.

Q About that he returned? A Yes sir.

Q Did he bring his family with him? A Yes sir.

Q Did you see his family? A Yes sir; the woman is there now ~~trapping~~ (pointing to a girl in the room).

Q Do you know the name of his wife? A No sir. Have seen her.

Q Did he have any brothers and sisters? A Yes sir.

Q Now give the names of his brothers and sisters. A One was named Squire, but they're all dead; the other Mamie. Hagerty, that's his sister.

Q Any more? A That's all I can recollect.

Q How long have you lived in the Creek Nation? A Am here all the time.

Q Of your life? A Yes sir.

Q Did you know the names of any of his (Uriah's) children? A I know this girl.

Q What is her name? A-----

Q Is her name Mary? A I believe this is her name.

Q Are you sure that's her name? A I think it is so; I know that's his daughter.

Q Was she ever known by the name of Lula? A I don't know how many children he had. I knowed the girl all the time, but I don't ask anybody the names.

Q Your memory is not very bright now, is it? A Yes, my memory is bright enough, but I don't want to come to anybody that I don't know.

Q Well, now, I will ask you, if you know of your own knowledge whether the name of Uriah Hawkins appears upon any of the tribal rolls of the Creek Nation--that is his nick name? A I don't know sir.

Q Do you know of your own knowledge whether <sup>Uriah</sup> ~~Lay~~ or Uriah Hawkins ever appeared before any of the tribal authorities to have his name put on the rolls? A No sir. Couldn't tell you nothing about it.

BY THE COMMISSION:

Q Are you a citizen of the Creek Nation? A Yes sir.

Q Are you enrolled as a citizen--have you got land as a citizen of the Creek Nation? A No sir; I haven't got my land.

Q Have you ever been enrolled? A Mr. Bixby took my name.

Q Have you lived in the Creek Nation all your life? A Yes sir.

Q You didn't go out during the war? A Yes, but I've got back.

Q What time did you come back? A What time? I had time enough to go. I've got back after the war right smart while.

Q Do you remember when the slaves were freed? A Yes sir.

Q Did you go back before that time? A No sir; I got back after.

Q How long after? A It wasn't very long.

Q Do you know David Hawkins? A I know Dave Hawkins.

Q Who is he? A He is Creek.

Q Any kin to Albert Hawkins? A Yes sir.

Q What kin? A I couldn't tell you about it; it's mixed up, so



Albert Hawkins, et al.-----4.

I couldn't tell.

Q Any kin of Albert? A I reckon so.

Q Do you know Pinkie Hawkins? A Is it a man or woman? I couldn't tell anything about it.

Q Do you know Gracie? A I know her.

Q Who is she? A She is a woman.

Q Who is she? A She's--I couldn't say much about her.

Q Do you know who her father and mother were? A No sir.

Q Do you know if kin to Albert Hawkins? A No sir.

Q Do you know Mollie Gosssett? A No sir.

Q Katie Young? A No sir.

Q Do you know Joseph Jackson and George Jackson? A No sir.

Q Mose Redmouth? A Yes, I knew him.

Q Who is he? A I couldn't tell you who he is.

Q You said while ago that you knew Dave Hawkins? A I knew Dave Hawkins.

Q Is he an uncle of Albert Hawkins? A That's what they say.

Q You don't know that yourself? A No sir. A heap of people claim kin; they may be no kin.

Q Do you know who Albert Hawkins's father was? A No sir.

Q Do you know who his mother was? A No sir.

Q Do you know whom he claimed to be his father? A No sir.

Q Did you ever hear it? A No sir.

Q Would you know it if I told it to you--if I called the name off? A I couldn't tell you.

Q Was it Michael Hawkins? A I don't know. Michael Hawkins.

Q Was it Henry Hawkins? A Umph-umph! I don't know Henry Hawkins.

Q Was it Uriah Hawkins? A I couldn't tell nothing about it.

Q Was his father's name ~~Uriah~~ Hawkins? A I couldn't tell you nothing about it then.

Q Do you know Uriah Hawkins? A Yes, I know and his children; here is one of his children standing there.

Q That woman is a child of Uriah Hawkins? A That's what she says.

Q What is her name? A They call her Lula Hawkins; I don't know her name. I know the girl well enough.

Q Did you know any brothers and sisters of Uriah or ~~Uriah~~ Hawkins? A I know one brother.

Q What's his name? A Jim Squire.

Q What was his father's name? A Uncle Archie.

Q What was his mother's name? A Aunt Lisa.

Q Were you here when the Dunn Roll was made--in the Creek Nation?

A I wasn't in the Creek (Nation).

Q How long after that did you come here--to the Creek Nation?

A A year or two after it was done.

Q You don't know whether her name is on the Dunn Roll or not? A I couldn't tell you anything about it.

Q Do you know the father and mother of any person who appears on the Dunn Roll? A No sir.

Q You don't know anything about the Dunn Roll; you don't know anything of your own knowledge? A No sir.

Q You know William Hawkins? A Yes sir--William McIntosh you mean; I know William Hawkins.

Q Who is he? A He is a cousin of mine; some of my relation.

Q What was the name of his father? A His father was--

Q Do you know the names of any of his kin folk? A William Hawkins?

Q Yes. Name some of them. A He is my cousin's son. I can't tell you who is his father now. William Hawkins' father was named William Hawkins.

Albert Hawkins, et al-----5.

Q Is William Hawkins living? A Yes, he is living.  
Q Where does he live? A (?)  
Q What postoffice? A I havn't been to his house. *Dead*  
Q Can you name any brothers and sisters of Uriah or Isaac Hawkins besides the one you have? A I couldn't name them all; I knowed the one they called Squire.  
Q Is that the only one you can name? A Yes, he was the eldest amongst them all.  
Q Can you name any brother or sister of Uriah Hawkins except the one they called Squire? A Yes. *Dead*  
Q Did you know this man Uriah or Isaac Hawkins yourself? A Yes sir  
Q Someone told you? A I know him myself.  
Q Don't know his parents? A I know his father.  
Q What was his father's name? A Uncle Archie.  
Q His mother? A Was named Eliza; great-grand mother was named Aunt Rachael.  
Q This man, Albert Hawkins you say you know; do you know of your own knowledge that he is the son of Uriah Hawkins or Isaac Hawkins?  
A Yes, that's what they claim.  
Q Do you know it yourself? A I couldn't say, but just tell what they claim.  
Q How old is this Albert Hawkins you talk about? A I couldn't say.  
Q Didn't you say in the first part of the examination that he might be older than you? A Yes sir.  
Q Are you positive he cannot be any younger than 40? A Maybe.  
Q He can be older than you and be under 40? A No sir; I said I was 79.  
Q You say that Albert Hawkins you know, and whom you have said claimed to be the son of Uriah or Isaac Hawkins might be older than you, were boys together--didn't you say that? A No, sir; I didn't say that; I said Albert Hawkins.  
Q Do you know Albert Hawkins? A Yes sir.  
Q Is Isaac Hawkins a brother of Albert Hawkins? A I Don't know.  
Q Is Albert Hawkins a son of Isaac or Uriah Hawkins? A I can't say nothing; I got it mixed up so.  
Q You know Squire Hawkins; is he living? A No sir; he is dead.  
Q What is the name of Squire Hawkins' father? A Uncle Archie.  
Q Of his mother? A Her name was Aunt Liza.  
Q Did you ever know Isaac Hawkins by any other name? A Yes, I judge his name but so they called him while ago, but I didn't call him Isaac Hawkins--I so judge his name.  
Q You said while ago what is that name. Would you know if I told you; can you state that other name now, the one I called while ago? A Called him Uriah, that's the nick name.  
Q When did you first hear him called Uriah? A About three or four years ago; while ago.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify upon oath that the above and foregoing is a true and complete transcript of my notes as same appear in my stenographic report of this case.

Subscribed and sworn to  
before me this the 21st  
day of February, 1905.

*J. Y. Miller*  
*Charles S. Miller*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, February 23, 1906.

In the matter of the application for the enrollment of  
Albert Hawkins, et al., as Creek freedmen.

APPEARANCES: A.S. McRae and J.B. Campbell attorneys for  
applicants.

DAVID BERRYHILL, being duly sworn, testified as follows:

- Q What is your name? A David Berryhill.  
Q What is your age? A Fifty eight.  
Q What is your post office address? A Okmulgee.

BY MR. CAMPBELL.

- Q How long have you lived in the Creek Nation? A Fifty eight years;  
was born and raised here.  
Q Are you well acquainted with the Creek people? A Yes, sir.  
Q Have you ever held any public office? Well I have been prosecuting  
attorney for Oklahoma district and superintendant of Wealaka  
mission.  
Q Prior to that time what did you do for your people? A I have been  
a minister of the gospel.  
Q I mean prior to that time? A Whether I held any office. I was  
elected as one of the committee men or delegates; they was appointed  
to go to Fort Smith in 1865.  
Q Has your acquaintance with the Creek people and the Creek freedmen  
been extensive or not since you have lived here? A Yes, sir.  
Q Did you ever know one Uriah Hawkins? A Yes, sir.  
Q Did you know him prior to the civil war? A No, sir I did not  
Q When was it that you knew of this Uriah Hawkins? A It was  
directly after the late Civil War.  
Q Will you go ahead and detail in your own manner all you know of  
him? A Well I knew that Uriah was always thought to be a citizen  
of the Creek Nation and I guess he drew money as a Creek. He was  
never known to be otherwise but a citizen of the Creek Nation.  
Q Was he ever a slave of the Creek Nation? A I don't know anything  
about that; they were all free when I got acquainted with them.  
Q Do you know when the Uriah Hawkins that you knew some time after  
the war died? A He died up the ~~Arkansas~~ river; froze.  
Q Do you know whether or not and are you certain whether or not  
this was the Uriah Hawkins which you had formerly known? A It was  
the same person.  
Q Do you know where he came from? A No, sir I don't  
Q Do you know where the Uriah Hawkins you knew shortly after the  
Civil War lived? A He lived for a while when I got acquainted with  
him between the Arkansas and the Verdigris rivers.  
Q Do you know with whom if anybody he did live? A No, sir I don't  
Q Do you know whether or not he had any brothers or sisters? A I  
know one brother; he may have had others but I don't know any other  
but just one that I was personally acquainted with  
Q What was his name? Philip.  
Q Do you know to what family either Creek or freedmen that Philip  
and Uriah Hawkins belonged? A I don't know for certain but I expect  
they belonged to the Arkansas colored; they were ~~cleared off~~ Ark.

ansas colored and North Fork colored and so on.

Q Do you know whether or not they were slaves or owned slaves?

A No, sir I don't.

Q And you are satisfied that the Uriah Hawkins who you know to have been frozen to death some 12 years ago is the same person you know shortly after the close of the Civil War? A Yes, sir the same person.

COMMISSIONER.

Q Do you know the principal applicant in this case? A No, sir I don't.

Q Do you know Albert, David, Pinkie, and Gracie Hawkins and Lulu Jamison? A I don't know.

Q You don't know of any relationship between these applicants and this Uriah you talk of? A No, sir.

Q This Uriah was he ever known by any other name? A Yes, sir but I can't think of it.

Q Is there anything besides the fact that this Uriah lived up there between those rivers that makes you think he belonged to Arkansas town; just on account of living there? A Yes, sir. That's all I go by.

Q You said something about his drawing money, do you know if he ever drew any money from the Creek Nation? A No, sir; I said I supposed he did.

Q Do you know if this Uriah Hawkins who died about 12 years ago ever drew any money from the Creek Nation? A I don't know; couldn't say he did.

Q Don't know if he is on the Dunn roll? A No, sir.

Q Don't know if he drew in 1890? A No, sir.

Q You don't know in what town he would have drawn? A He would have drawn in the Arkansas colored?

Q Why? A Because he lived there.

Q Do you know if he was recognized by the authorities as a citizen? A I guess he was considered a full fledged Creek citizen; I can't say he was recognized by the tribal authorities but he surely must have been.

Q Do you know that he was? A I couldn't speak for the nation.

Q I am only asking you what you know; do you know that he was recognized? A I don't.

Q Do you know the parents of any of these applicants? A No, sir I haven't had any talk with any of them.

Q You don't know any other name Uriah Hawkins was known by? A No, sir.

Q How do you know that this Uriah Hawkins who froze to death about 12 years ago was the same one you met nearly 30 years before that A I met him several times. I traveled through the country running down horse thieves and one thing and another and I got pretty near where he was raised.

Q Do you know where he lived from the time you knew him till he died? A No, sir.

Q Did he live continuously in the Creek Nation? A No, sir, he told me he lived across the river. I would just meet him out at some public gathering or so.

BY ATTY.

Q You say you know he had a nickname. would you recognize it if your attention was called to it? A I don't know whether I would or not.

Q I will ask if you ever heard of him being called Isaiah? A I couldn't tell.

Q Are you acquainted with Jane Hawkins that used to live between the river? A Yes, sir.

Q Was she some times known as Aunt Jennie? A Usually called Jennie.

Q Do you know if this Uriah Hawkins you know was ever a slave? A I don't know.  
Q Did you know Philip Hawkins very well? A Yes, sir.  
Q Is he dead? A I haven't heard of his death?  
Q How do you know that he was a brother of that Uriah? A Philip told me himself.  
Q When did you see him last? A The last time I saw him I met him on the Verdigris.  
Q Do you know what the name of the father of Uriah was? A No, sir.  
Q What was the mother's name? A No, sir.  
Q Do you know of any brother or sister except Philip? A No, sir.

JONAS BROWN, being duly sworn, testified as follows:

Q What is your name? A Jonas Brown.  
Q What is your age? A Somewhere up in sixty.  
Q What is your post office address? A Tallahassee.

BY ATTY.

Q Are you a citizen of any of the five tribes? A Yes, sir.  
Q What nation? A Cherokee Nation.  
Q How long have you lived in the Indian Territory? A All my days.  
Q How long have you lived in the Creek Nation? A I moved from the Cherokee Nation in 1877.  
Q Were you ever married? A Yes, sir.  
Q Whom did you marry? A A woman named Julie Hawkins before I married her.  
Q Was she a freedman of the Creek Nation? A Yes, sir.  
Q Where did you live after you came back here? A Out here close to Tallahassee, moved there and have been living there ever since.  
Q You don't know whether your wife lived there prior to the time you moved there in 1877? A No, sir.  
Q Is she living? A No, sir she died last fall.  
Q Do you know these applicants here Lulu and Albert Hawkins? A Yes.  
Q Did you know their father? A Yes, sir Isaiah Hawkins. He had some other name but he generally went by the name of Isaiah.  
Q Living or dead? A Dead.  
Q Do you know when he died? A Yes, sir but it has been so long I never kept account.  
Q About how long? A It has been quite a while now and I just couldn't get at it.  
Q Was it been 10 or 20 years? A Not that long ago.  
Q Ten years? A Somewhere long in the neighborhood of that. I was share cropping for him that year he died.  
Q Do you remember when he came to that neighborhood in which you lived? A Yes, sir.  
Q Do you know where he came from? A Only what he said. He said he came from Texas. He was there and went back and got his family and brought them to my house.  
Q Was he any relation to your wife? A That's what he claimed. She claimed that he was her cousin.  
Q Did she recognize him as a cousin when he came there? A Yes, sir.  
Q Did she always treat him as such? A Yes, sir.  
Q Did she till the time of her death treat Lulu and Albert and the other children as cousins? A Yes, sir.  
Q Until she died? A Until she died.  
Q Did Isaiah Hawkins ever visit your home? A Yes, sir. While he was living he was with me pretty near all the time.  
Q Have you heard your wife speak of the former life of Isaiah Hawkins? A Yes, sir.  
Q Did she say that she knew him in years gone by? A Yes, sir.



Q Did she say when she knew him? A Yes, sir.  
Q When was that? A That was before--about the beginning of the war  
she said they were all raised together on one plantation.  
Q Do you know what plantation that was? A That was Jane Hawkins';  
said they all belonged to Jane Hawkins.  
Q Do you know what she called him when he came back from Texas?  
A She called him Isaiah Hawkins.  
Q Did she say that she recognized him as the Isaiah Hawkins she  
used to know? A Yes, sir.  
Q That she knew at the beginning of the war? A Yes, sir.  
Q Did she ever say to you that she knew that the Isaiah Hawkins  
that she knew after his return from Texas was the same Isaiah  
Hawkins that was on Jane Hawkins' farm at the beginning of the war?  
A Yes, sir.  
Q She always treated him the same? A Yes, sir.

COMMISSIONER.

Q Did Isaiah Hawkins live in the same house with you and your  
wife? A A short while until he got a place.  
Q A short while after the war? A A short while after he moved  
from Texas.  
Q When did he move from Texas? A I couldn't say.  
Q After the war? A Yes, sir.  
Q How long,--10 years? A Yes, sir, somewhere along there.  
Q Was it as much as five years after the war? A No, sir, it was  
over that.  
Q Are you sure of that? A Yes, sir.  
Q You are sure that the Uriah Hawkins you knew and whom your wife  
claimed for a cousin didn't come back to the Creek Nation until  
more than five years after the war? A More than five years?  
Q More than five years after the war closed? A Yes, sir.  
Q How much more? A I just couldn't count back. I would have to sit  
down and count back.  
Q Was it close to 10 or 15 years after the close of the war before  
he came back? A Let me see--I can't get to the exact truth.  
Q Had he returned to the Creek Nation when you came to the Creek  
Nation? A No, sir.  
Q Hadn't returned yet then? A No, sir, he returned from Texas.  
Q Didn't return from Texas to the Creek Nation until after you came  
to the Creek Nation? A After I came.  
Q And you came in '77? A Yes, sir.  
Q Do you know the name of the father of these two children here  
Albert and Lula? A Isaiah Hawkins.  
Q How do you know? A He claimed them for his children.  
Q That same party who came back to the Creek Nation after you?  
A Yes, sir.  
Q Do you know the name of their mother? A The mother they brought  
is by the name of Relia.

BY ATTY.

Q Relia was a state raised woman? A Yes, sir.  
Q She had no rights in the Indian Territory? A No, sir.  
Q And the father claimed these five applicants in this case,  
Albert, Lula, Gracie, Pinkie and David as his children? A Yes, sir.  
They was quite small when they brought them.  
Q Your wife was a freedman of the Creek Nation? A Yes, sir.  
Q She took her allotment? A Yes, sir.  
Q Have you ever heard her say whether she was a fellow servant or  
slave of the Isaiah Hawkins whom she recognized as the father of  
these children? A Yes, sir.

Q Have you ever heard her say that? A Yes, sir;

COMMISSIONER:

Q Now do you know that you came over here from the Cherokee Nation in 1877? A Because I know it, I forgot the day.  
Q How long after that before that Indian came back from Texas? A I never kept an account what year he came back in.  
Q You know when you came here, about how long after that before he came? A I can't go back to reason it up.  
Q Was it five years? A I wouldn't tell you it was five years and I wouldn't tell you it was six.  
Q Was it one year? A More than that.  
Q Two years? A More than that.  
Q Three years? A More than that.  
Q Four years? A Over that.  
Q Did your wife before this Indian came back from Texas ever tell you that he had been in the Creek Nation since the war? A No.  
Q Had he ever been in the Creek Nation that you know of? A Not that I know of.  
Q Do you know if he was in the Creek Nation before or during the war? A I don't know anything about that.  
Q Did you ever hear that he was? A No, sir.  
Q The first you heard he was in the Creek Nation by what your wife told you or anything else is that he came at least three years after you came, is that right? He is right because I had been here considerable time before he came but I can't say exactly how long a time.  
Q I am not asking you the exact time that Indian came here but I am asking you if you ever heard that Indian was in the Creek Nation before he came back from Texas that time? A I never heard anything about it.  
Q What was the name of your wife? A Julia Brown.

I, ANNA CARRIGAN, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 24 day of February 1906.

*Anna Carrigan*

*M. L. Carrigan*  
Notary Public



BN. 646.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE CIVILIZED TRIBES,  
Muskogee, Indian Territory, February 27, 1906.

In the matter of the application for the enrollment of  
Albert Hawkins, et al as Creek Freedmen.

APPEARANCES: H. T. Holt, attorney for Creek Nation.  
J. H. Campbell, attorney for applicants.

DAVE HAWKINS, being duly sworn, testified as follows:

Q What is your name? A Dave Hawkins.  
Q What is your age? A I don't know. (Witness appears to be at least  
60 years old.)  
Q What is your post office address? A Porter.  
Q Are you a citizen of the Creek Nation? A Well I ought to be.  
Q You are not enrolled as a citizen of the Creek Nation are you?  
A No, sir.  
Q Do you know Albert Hawkins and members of his family? A Urish.

ATTY. FOR APPLICANT.

Q The members of your family your children and your wife are they  
members of the Creek Nation and enrolled as such? A Yes, my wife  
and children they are on the roll.  
Q Where were you born? A On the Verdigris river.  
Q Were you born a slave? A Yes.  
Q Whose slave, who was your owner? A Jane Hawkins.  
Q Do you know Albert Hawkins a young man who is now in jail here or  
west? A Yes, sir.  
Q Do you know whether he has any brothers and sisters? A One named  
Dayland two more sisters.  
Q Is one of his sisters named Lula? A Yes, sir.  
Q And one Grace? A I don't know about that; I aint living right  
close to them.  
Q Did you know their father? A Yes, sir.  
Q Do you know when he died? A Yes, sir.  
Q Do you know where he died? A On the Arkansaw bridge.  
Q And how did he die? A He froze to death.  
Q How do you know that? A The party that went and found him, he was  
frozen and I was there to bury him.  
Q Do you know that this man that was frozen to death was the father  
of Albert or claimed to be the father of Albert and Lula and Dave  
the children whom you say you know? A Yes, sir I know they are his  
children.  
Q What was their father's name? A Isiah was his name when he was a  
boy but I don't know what it was after they moved off.  
Q When did you first know him? A I knew him from a boy.  
Q Was he a slave? A Yes, belonged to Jane Hawkins.

COMMISSIONER.

Q Are any of these people here today, Albert or Dave, do you see  
them around anywhere? A No, sir.

Q Do you know where Albert Hawkins is now? A No, sir I don't know.  
Q Do you know where he was any time the last year? A I know he has been in jail once.

Q How do you know that? A I saw him.

Q You saw him in jail? A Yes, sir.

Q When did you see him in jail? A I couldn't tell you what day.

Q Was it last week? A I haven't been in this town for two or three months.

Q Did you see him in jail two or three months ago? A He must have been there I didn't see him around.

Q Did you see him in jail? A No, I never been to jail. I heard people said so.

Q How do you know that this man in jail was a son of this old man you are talking about? A Because he was his father.

Q When did you first see that fellow they stated was in jail?

A Some time ago; couldn't tell just what time it was.

Q About how big a boy was he when you saw him first? A Young man.

Q How many years ago was the first time you ever saw him? A Been about three years ago the first time I saw him after his father died but when he was a little boy he staid right with us first.

Q How old was he the last time you saw him as a little boy? A About eight or nine years old.

Q And then when was the next time you saw him, 3 years ago? A I saw him about two years ago.

Q Did you see him from when he was three years old as much as every week in the year? A No, sir.

Q Did he live with you until he was 8 or 9 years old? A He lived with my mother.

Q Until that time? A Yes, sir.

Q Then where did he go? A To Texas.

Q How long did he stay there? A Couldn't tell.

Q Did you go to Texas with him? A I was in Texas.

Q Did you see him there?

My Atty!

Objected to for the reason that the examiner knows the witness is testifying about the father of the applicant when he has been questioned about the applicant.

Q I am asking you about this boy you state was in jail, did you know him when he was 8 or 9 years old? A Yes, sir.

Q Then where did he go? A To Texas.

Q When was the first time you saw this boy that you call Albert?

A I couldn't just say when was the first time but I knew him from a little boy.

Q Have you known him all his life? A Yes, when I see him I know him.

Q Was there ever as much as a whole year went by without you seeing this boy Albert? A Yes, sir.

Q How many years is the longest went by without your seeing him? A I couldn't tell that while he was away in Texas.

Q How long was he in Texas and you here, this boy Albert that you say you knew when he was 8 or 9 years old, then you didn't know him because he went to Texas, is that right? A Yes, sir.

Q Then how long before you saw him again, when did you see him?

A About three years before I went there too.

Q Did you see that boy Albert then? A Yes, sir.

Q How long did you stay down there? A I staid down there about-- as near as I can come to it--about seven years.

Q Did you see this boy Albert off and on while you were down there? A Yes, sir.

Q Frequently--lots of times? A No

Q Every day or every two years? A Every year

Q Then after seven years did you lose track of him then for a while?  
A When I came home I came home before he did.  
Q How long before? A About two years.  
Q And then when you came back did you see him again? A Yes,  
been there ever since.  
Q This is Albert Hawkins you are talking about? A Yes, sir.  
Q How old is Albert Hawkins you are talking about? A I don't know.  
Q About; is he young, middle aged or old? A Over 30 years old.  
Q Where does he live? A Right across the river other side of the  
bridge.  
A Mr. Campbell asked you if you knew as a matter of fact, if you  
knew the father of this young fellow down here in jail named  
Albert and you said "yes"--how can you say that--how do you know  
Albert Hawkins is in jail? A People that go down tell me so.  
Q How do you know that you know his father that this is the boy  
whose father you knew? A I know he was his father because he was his  
son, as nigh as I can come to it.

By Mr. Mott.

Q Do you know Albert Hawkins? A Yes, sir.  
Q Where is he? A In jail I suppose.  
Q How old is he? A About 25 or 3.  
Q Is he a freedman? A Yes, sir.  
Q Does he look like a freedman? A He is black.  
Q Is his hair kinky? A Yes, sir.  
Q Who was his father? A Albert.  
Q His father Albert too? A I guess so.  
Q Is Albert his father living? A No, sir.  
Q If he was living how old would he be? A Ought to be about 40  
years old.  
Q And the boy you are talking about is about 20 or 22? A Yes, sir.

By Mr. Campbell.

Q Was that Albert Hawkins that you and I left in my office about an  
hour ago? A That's Uriah something they call him.  
Q Has he any brothers and sisters? A Yes, sir.  
Q Do you know the brothers' names? A I know he has one brother and  
he has three sisters.  
Q How old are they? A One about 30.  
Q How old was the man that came up to the office? A About 20 years  
old.  
Q What was his father's name? A That's Uriah, I believe.  
Q Who was it came up to the office with you? A His name is Ruberta.  
Q Then you are mistaken when you say that Uriah came up to the  
office with you to see me this afternoon. I am mistaken.  
Q And it was Ruberta? A Yes, sir.  
Q And Ruberta is the son of Uriah and what was Uriah's name, what  
was his last name? A His first name was Isaiah.  
Q What was his last name? A Isaiah Hawkins.  
Q How old do you suppose you are uncle? A I couldn't tell. I was  
told about 3 years ago that I was 72.  
Q Was your mother a slave? A Yes. It has been so long I can't  
remember.  
Q Do you know anything about your mother? I was a small boy when  
she died.  
Q Do you know who Jane Hawkins was? A Yes, sir.  
Q Will you tell us something about her. A All I can tell you, I know  
she was my mistress. I lived with her three years.  
Q Was your mother a slave of Jane Hawkins? A Yes, sir.  
Q Do you know of your own knowledge that the father of Albert,  
Lula and Dave Hawkins is the same person who was frozen to death  
over here on the Arkansas River few years ago? A Yes, sir.  
Q Do you know that he is the same person who was a slave of Jane

Hawkins at the same time that you were her slave? A Yes, sir.

COMMISSIONER:

Q When did you first know Uriah Hawkins? A I first met him I couldn't just tell, when he was a little boy it was Isaiah all the time.

Q Did you know Uriah's parents? A Yes, sir.

Q Did Uriah's parents live near you? A Yes, sir.

Q Where did Uriah and his parents live? A Right across over there in Marshalltown.

Q How long did you live in that neighborhood? A Till he was a grown man.

Q Did Uriah live there till he was a grown man? A Yes, he did.

Q Continuously all the time? A He went to Texas.

Q How old was he when he went to Texas? A I don't know exactly.

Q When did he go to Texas do you know? A I don't know when I was a man and didn't stay home.

Q Do you remember the Civil War? A Yes, sir.

Q Was it before the Civil War that Uriah went down to Texas? A Yes.

Q When did he return? A He returned after I came back.

Q Was that after the civil war that you came back? A Yes, sir.

Q How long after? A I couldn't tell exactly.

Q Was it during the Civil War that you came back? A Peace was declared when I came back.

Q How long after peace was declared? A About seven years as near as I can get at it.

Q Then you got back did you find Uriah Hawkins back here? A I came before he did, his father came out here and made a crop.

Q How long after you came before Uriah came? A I couldn't give that.

Q Was it a year? A Two or three years.

Q Did Uriah Hawkins have any brothers and sisters? A Two brothers. One of them died right over here and the other one went off down south and that's the last we heard of him.

Q How do you know that this man you know as Uriah Hawkins froze to death? A They found him and I was there and helped bury him.

Q Did you see him shortly after his death? A I was there when they buried him.

Q Do you know how long he had been dead when they buried him? A About two days.

Q How do you know that? A I was right close there. I was in bed sick.

Q How do you know he was frozen? A I tell that by the party that was with me, they was on a flat boat. I run a ferry boat myself and I was sick and my brother-in-law was running the boat and they left a woman on the boat all night, couldn't go out it was too bad.

Q How many children did Uriah Hawkins have? A One.

Q What was the name of that child? A I don't know. I just saw it this morning.

Q How old is that child? A About one year old.

Q Did you hear what I asked you? Roberts.

Q I asked you if Uriah Hawkins had any children? A The same boy I know.

Q How many children did Isaiah or Uriah Hawkins have? A I don't know.

Q Just what is shown.

Q Don't you know how many children Isaiah or Uriah Hawkins had?

Q He got all them children, 4 girls and the 2 boys.

Q Do you know the names of all these children? A Don't know if I can call them or not.

Q What was the name of the eldest one? A Julia and Dave; Roberts is the eldest one living.

Q How many of his children are now living? A Ought to be five. I am not living right close to them now.

Q Do you know that this man that you saw today that works in the jail is one of the children of Uriah or Isaiah Hawkins? A

Yes, sir he is one.



Q Did you see this man that you saw today have you ever seen him around with Ulrich Hawkins? A Yes, sir.  
Q Where was this man that you saw today born? A In Texas.  
Q How do you know that? A They was living right down on the plantation.  
Q Were you living in Texas at the time this child was born? A Yes.  
Q How old was the child when he was brought back to the territory?  
A He was about twenty three years old.  
Q Did you understand me, how old was this man that you saw today when he got back from Texas? A Twenty three is all I can tell.  
Q He ought to be only about 18 years old when he first came from Texas.  
Q Who asked you to come up here and testify? A No one didn't ask me.  
Q Then how did you get up here? A I have been coming up here, I came here with my wife one time.  
Q When did you come to town? A This morning.  
Q Where did you go to when you came to town? A Around down there.  
Q Who spoke to you about coming up here? A No one.  
Q Why did you come to testify in this case? A I thought I would just come and see.  
Q Who told you or who spoke to you about coming up here. The Commissioner didn't ask you to come up here? A No, sir.  
Q You are not any kin to that boy are you? A I am first cousin to his father.  
Q Did you know of his having a case in here? A No, sir.  
Q Then how do you come to be here if nobody asked you? A No one asked me. I have been here so many times and thought that was my chance to get something.  
Q We wouldn't be hearing your testimony unless some one told us you were a witness in the case? A I came here once today and went back.  
Q What did you come up here for when you came the first time?  
A I came and everybody was so busy talking and I didn't come back.  
Q How did you happen to come up here the second time did some one ask you to come back? A No one didn't ask me to come back.  
Q Did you know that this Albert Hawkins had applied for enrollment or had ever attempted to make an application to be enrolled?  
A No sir I am honest what I am talking about.  
Q How do you know that this Albert Hawkins is a son of Ulrich Hawkins?  
A That gets away with me. There is too many names, that gets away with me.  
Q How do you know that this Albert Hawkins that you saw today is a son of the Isaiah Hawkins that you knew about the time of the Civil war? A I knew him because I knew his father.  
Q How do you know that he is the son of that Isaiah Hawkins?  
A I know just what they say about it.  
Q Do you know that he is a son of Isaiah Hawkins or did some one tell you that he is? A No one told me that he was but when he got up to be a big child I knew when he claimed to be his mother.  
Q Do you know who claimed to be his father? A Isaiah claimed to be his father.  
Q How often have you seen Albert Hawkins since he was a small child?  
A I seen him till he got to be good sized boy 7 or 8 years.  
Q When was the next time you saw him? A I don't remember whether I saw him after he was that old until he came out here. I just came to tell.  
Q How many years after the time you saw him when he was 7 or 8 years old that you next saw him? A He was about 20 years old I suppose then.  
Q How many years was that 18 or 20 years after that before you saw him again? A Yes, sir.  
Q Was it five years after you saw him then? A It was about six years I reckon.  
Q Do you know how to count? A Yes, sir.

Q Do you know how to count? A Yes, sir.  
 Q Could it have been as many as 12 years after you saw him when he was 7 or 8 years of age that you next saw him? A It could be. It was 8 years the last time I saw him down there and I came home after that and he came afterwards that would make him about 20 years old. His father brought him.  
 Q How many years ago was that you saw him and he was about 20 years old. You say you saw this boy when he was about 8 years old and then you didn't see him until he was about 20, now how many years ago was that? A Ought to be 12 years; I might be mistaken.  
 Q Did you know this boy Albert Hawkins from the time he was 20 years old up to the present time? A Yes, sir.  
 Q Has he lived near you continuously during that time? A Yes, sir.  
 I am about seven miles from him now. I live about two and a half miles from Porter.  
 Q Did you say that this Isaiah or Uriah had some brothers? A He had two brothers.  
 Q Do you know their names? A Yes, sir.  
 Q Was one named James, Philip and Arch? A Arch died.  
 Q Is Philip living? A He went off directly peace was declared and never heard from him any more.  
 Q How do you know that this man named something like Roberts that this lawyer here asked you if you remembered seeing, how do you know that this boy is a son of Isaiah or Uriah Hawkins, how do you know that? A People know that.  
 Q How do you know the boy you saw with Mr. Campbell is a son of Isaiah or Uriah Hawkins? A I couldn't tell it was his or whose but after naming him--after answering to both names--if I denied one I denied the other.  
 Q I am asking you simply how do you know that the young man you saw with Mr. Campbell today was a son of Isaiah Hawkins? A I know he was his son after I saw him a little.  
 Q How do you know that the boy you saw with Mr. Campbell today was that same son that you knew when he was a boy? A I knew his features.  
 Q Can you tell a boy from two years up until he is 21 by just his features? A Yes, sir.  
 Q Do you mean to say that you could tell a boy that you knew when he was two years old until today, that you could tell just by the look of his features? A Yes, sir.  
 Q What reason have you for saying that this boy was a son of Isaiah Hawkins? He is a young man now but I could always tell a young man.

The witness is very old and feeble, is shaking with the palsy and it is very difficult to elicit intelligent answers from him or to have him understand a simple question. It is the impression of the Commissioner and ~~is corroborated~~ by Mr. Campbell attorney for the applicant, that in several instances he may have been thinking of a different party when giving the answer.

J.B.CAMPBELL, being duly sworn, testified as follows:

Q State your name, age and post office address? A J.B.Campbell, thirty eight years, Muskogee.

Q Are you attorney for the applicants in this case? A Yes, sir.

Q You may make the statement you wish? A About three o'clock this afternoon the witness, David Hawkins, who has preceded me on the witness stand, appeared at my office with Albert Hawkins, who is now in the United States jail at this place and is a trusty at the jail and was allowed to visit my office. He brought with him the witness, David Hawkins, and brought with him the witness David Hawkins but not with the intention of using him (the witness) as a witness on behalf of Albert Hawkins, et al. David Hawkins was brought to me to have his own case investigated and from an examination of the records this day I find that his wife and children are enrolled. It was to make an examination of these records that David Hawkins today visited the office of the Commissioner and it was not until after leaving the office that I learned of his knowledge of the case of Albert Hawkins et al and I have not seen Albert Hawkins since leaving the office. The Albert Hawkins who is the applicant and who has heretofore appeared before the Commission as the applicant at each appearance is in the United States jail for thirty days and is known on the records of the jail as Ruberta Hawkins under which name it was necessary for me to make application for him in order to secure the pass from the United States marshal in order to see him.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me this  
2 day of March 1906.

[Signature]  
Notary Public.



UP: 200: 246:

DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

In the matter of the application for the enrollment of Albert  
Hawkins, David Hawkins, Eliza Hawkins, Orville Hawkins and Julia  
Hawkins, as Creek Freedmen:

TESTIMONY:

The evidence in this case shows that on August 27, 1904,  
Albert Hawkins appeared before the Commission to the Five Civilized  
Tribes at Muskogee, Indian Territory, and made application for the  
enrollment of himself, his brother, David Hawkins and his sister,  
Eliza Hawkins, as Creek Freedmen, and that on the same  
date his father appeared before said Commission and made applica-  
tion for the enrollment of himself as a Creek Freedman, which said  
father's application is now on file with and made part of the appli-  
cation for the enrollment of Albert Hawkins, et al. Further pro-  
ceedings were had February 2, 1905 and February 22 and February  
29, 1905.

It appears from the evidence that Eliza Hawkins, the mother  
of said applicants, is not a citizen of the Creek Nation and that  
said applicants claim title to citizenship in said nation through  
their alleged father, Isaiah (or Irish) Hawkins.

It does not appear from the evidence or from the records in  
the possession of this office that said applicants, or any of them,  
have ever been enrolled as citizens of the Creek Nation or admitted  
to citizenship in said nation by the Creek tribal authority, the  
Commission to the Five Civilized Tribes or the United States Court  
in Indian Territory.

It is claimed by applicants that they are the children of the  
Irish Hawkins whose name, as appears from the records of this  
office in dated with the roll of Creek Freedmen made by J.W. Munn  
in 1891, is listed with the roll of Creek Freedmen appears on said  
roll as Irish J. J. J. The name Irish Hawkins appears on said  
roll in the order in which they appear, are as follows: William,  
Oyette, Anna, Mary, Betty Ann, Sally, Austin, Molly, Irish, Katy,  
John, Henry, John, George, Grace and Aquire. William McIntosh, a  
witness in this case, testified in proceedings had on August 27, 1904,  
that he knew certain members of said family, that the father of  
Albert Hawkins did not belong to that family, that the name of  
Albert's father was Isaiah Hawkins, that he never knew him to go by  
any other name and in answer to the question "What could have been  
a nickname, usually designated, when if they give him any other  
name that would have to be the nickname, since I knew him from his  
father, and witness also testified that Isaiah Hawkins never  
lived in the family of William and Oyette Hawkins.

Isaac Hurst testified in the same proceedings that the name  
of Albert Hawkins' father was Isaac Hawkins, that he had a nick-  
name and witness did not remember it. When questioned in regard  
to certain members of the family group in which appears the name of  
Irish Hawkins, witness stated he does not know them; that he knew  
three brothers of Isaiah and a sister. The names of the brothers  
and sister of Isaiah Hawkins as given by said witness do not ap-  
pear in said family group nor do they appear in any other portion  
of said roll.

Wiley Hukey testified that he knew the father of Albert; that Albert's father was named Isaiah and that he never knew him by any other name.

The records of this office show that Lula Jameson, sister of Albert Hawkins and one of the applicants herein, executed an affidavit in the matter of the application for the enrollment of her minor child, Jennie Jameson (the father of said child being one Louis Jameson, a duly enrolled citizen of the Creek Nation) in which she states that she is a citizen of the United States. The attempted explanation of said Lula Jameson, in the proceedings had on August 17, 1904, as to this statement in the affidavit, is not corroborated by the records in the possession of this office.

The evidence shows that the father of said applicants moved to Texas before the Civil War and returned to the Creek Nation several years after the close of the war and after the making of said Dunn Roll.

Although a preponderance of the evidence tends to show that Isaiah ~~aka~~ or Uriah Hawkins, the father of said applicants, was living in the year 1890, it does not appear from the evidence or from the records of this office that his name is contained in the 1890 authenticated roll of citizens of the Creek Nation.

June 25, 1904, the Commission to the Five Civilized Tribes caused to be printed "Lists of persons whose names appear on the Creek tribal rolls in the possession of the Commission to the Five Civilized Tribes who have not been identified as having made application for enrollment as citizens of the Creek Nation and have not been otherwise accounted for." Said lists were published in newspapers and widely distributed throughout Indian Territory. It is a peculiar circumstance and one to be noted that none of said applicants (as shown by the records of this office) made application or attempted to make application for citizenship in the Creek Nation prior to the publication of said lists and that the original application in this case was made on August 17, 1904, only a few weeks subsequent to the publicity giving the names of citizens who could not be accounted for.

The weight of evidence in this case shows that the Isaiah (or Uriah) Hawkins, the father of said applicants, is not the identical Uriah Hawkins whose name appears upon the roll of Creek Freedmen made by J.W. Dunn prior to March 14, 1867.

It is therefore ordered and adjudged that there is no authority of law for the enrollment of said Albert Hawkins, David Hawkins, Pinkie Hawkins, Gracie Hawkins and Lula Jameson, as Creek Freedmen and the application for their enrollment as such is accordingly denied.

Signed Tans Bixby,  
Commissioner.

Muskogee, Indian Territory,  
Aug. 22, 1906.

Copy

IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT OF ALBERT  
HANKINS ET AL AS CREEK FREEMEN. ....

----- ARGUMENT.-----

" I trust that the Department in considering this case will be guided by the evidence rather than by the Brief on behalf of the Creek Nation masquerading in the record as a "decision."

Take from its place the third paragraph from the end, relating to the printed List and place it at the beginning; and the workings of the mind of the Clerk who prepared this Decision become apparent. This List was published, with the approval of the Department for the purpose of notifying those persons whose names appeared on the Tribal Roll, and the descendants of such persons, to come in and prove up their rights. The list was in fact headed with a Notice that those claiming rights as Creeks should make application for enrollment before the 1st of September. And yet this "decision" holds that the fact that the list in this instance served the very purpose for which the Commission and the Department had it printed and published, is " a peculiar circumstance and one to be noted". It was not a difficult matter for the brain in which this "peculiar circumstance" was conceived to marshal every bit of circumstantial evidence tending to sustain the judgment based upon this perversion of logic, and to ignore absolutely the facts establishing the claims of the applicants.

Before proceeding to the argument on the evidence I desire to direct the attention of the Department to the second paragraph on page "2" of the Decision, which is another circumstance tending to show that the Clerk preparing this Decision in a most unfair manner grasped at everything that might influence the minds of those whose province it is to review his work. In order to do this I am compelled to state certain facts which might at first glance be regarded as new evidence and out of place in an argument of this character. But since the Commission, without notice to the applica

cases of their attorneys, has been fit to cast doubt on a statement of SALE BARRON JAMESON, by a reference to his records, I believe that it is permissible for me to enlighten the Department as to certain methods of procedure which prevail at the Commission and of which the Department, as a higher court, should take Judicial Notice.

The writer was formerly an employee of the Commission; he knows from personal observation that the following scene was not unusual:

A dark woman would come in to make application for the enrollment of her baby. The Clerk would ask the questions necessary to obtain the information from which he would fill out the blanks on an affidavit form. It would appear that the father of the child was an admitted citizen. The mother would be asked:

Q. Are you that Nation do you belong? A. I am a Creek. All my folks is enrolled but I aint never proved up my rights.

The father of the child being enrolled and the mother in 10 or such cases out of 20, not being entitled to enrollment, and the mother's citizenship being both doubtful and immaterial, the Clerk would proceed:

Q. You are a United States citizen then? A. Yea, I guess so. I aint never proved up my rights.

The only record of such a case is the affidavit blank with the spaces filled out showing that the mother is a citizen of the United States. The writer regards the above as a matter of procedure of which the Department can take Judicial Notice. If these statements should be controverted by the Report of the Commission transmitting this document, the writer is prepared to sustain them by his own affidavit and by the affidavits of other former employees of the Commission.

The writer does not know by whom this "Decision" was prepared and he cannot, therefore, assert that this custom was known to that particular clerk but he does know that the same Clerk in charge of the Creek Enrollment Division, by whom this "Decision" was presumably, rendered, was perfectly aware of the procedure in such



case, and that it was grossly unfair in him to pass a decision having a paragraph containing a statement, which though perfectly true, is designedly misleading.

The Decision notes that William McIntosh knew the father of the applicants only by the name "Issiah", and that Issiah was not a member of the family in which the name of the witnesses' cousin appears on the Dunn Roll. It should be noted also that the name "Uriah" does appear in the family of Uncle William's cousin and that Uncle William is not familiar with name at all. It therefore follows that Uriah, whose name does appear with the cousins of Uncle William, was not a cousin of Uncle William and a member of that family, but that his name was placed in that family by some of his friends who are probably his fellow servants. The testimony of Uncle William McIntosh considered as a whole, establishes this:

- (1) Issiah Hawkins was the father of the applicants.
- (2) Issiah did not belong in the family in which the name "Uriah" appears.
- (3) Uriah did not belong in the family in which his name appears.

Therefore no deduction can be drawn from the fact that neither the applicants nor their witnesses knew the names of any of the persons appearing in the group with Uriah, because Uncle William's testimony shows that notwithstanding that the name Uriah appears in what might be expected to be a family group, he was not a member of the family. His testimony thus discloses no circumstance tending to discredit the claim of the applicants nor does it help the applicants' case except as it shows that Uriah whose name appears on the Dunn Roll was not a member of the family with whom he is grouped.

Albert Hawkins testified that his father's name was Uriah, and that Uriah was also called Issiah.

It is stated in the decision that Jacob Morey testified that the name of the applicant's father was Isaac Hawkins; that he had a nick name but that witness did not remember it.

Again so we see the truth of the old adage that "a half truth is worse than a lie." This witness did testify in the manner set forth in the decision. But he then corrected himself and said that

the name of the applicant's father was IZULAH; and that the name Uriah having been mentioned, he remembered at once that it was IZULAH's other name.

Wiley Beecher's testimony was clear that IZULAH was the name of the applicant's father. He did not know him by any other name; but his story of the family history shows that IZULAH was the same person as the Uriah spoken of by the other witnesses.

Paragraphs three and four on page "B" of the "Decision" have absolutely no bearing on the case. The Dunn Roll has been authorized by Congress and the Commissioner cannot go back of it in attempts to show that a name which appears on said Roll should not appear thereon. If Uriah Hawkins's name appears on the Dunn Roll it is right to be thereon in by that fact conclusively established. The fact of his name appearing or not appearing on the 1880 Roll is absolutely irrelevant; but the writer of the "Decision" evidently believed that his position could be strengthened by pointing out everything that does not favor the case of the applicants even tho' the circumstances thus pointed out does not tend to weaken it.

The testimony of David Berryhill being favorable to the applicant's is ignored by the Commission in its comments on the evidence. Berryhill is a prominent citizen of the Green Nation, a former of Israel and a reliable man. He knew Uriah Hawkins well. He testified that Uriah had a brother named Philip. William McIntosh told the same thing of IZULAH. Berryhill says that "Uriah passed to death on the Arkansas River." McIntosh told the same story of the death of IZULAH. While Berryhill knows nothing of the relationship of Uriah and the applicants herein, yet his testimony shows conclusively that Uriah was the same person as IZULAH, who is proven the father of the applicant.

Jonas Brown in his testimony positively identified the applicants as the children of the IZULAH, and the circumstances as detailed by him of IZULAH's life and family history shows that he was the same person as Uriah. The Commission failed to comment on the testimony

of Jonas Brown:

Two Hawkins, an old and feeble negro, had, at the beginning of his testimony Albert and his father, somewhat mixed up. The same Indian Black apparently did everything possible to help further some mind of the witness until the applicant's attorney raised a vigorous objection (Vol. 27, page 2) to the method of coming in the examination. From that point on the mind of the witness seems to have brightened up and one cannot help forming from his testimony that Isaiah and Uriah are one and the same person. The Commission does not dissent on the testimony of Two Hawkins.

Not one witness has given any testimony that conflicts with or discredits the applicant's story. Some of the witnesses hear him out in every detail. The testimony of the others, being neither favorable or unfavorable by itself, yet, read in connection with all the testimony, it irresistibly leads to the conclusion that Isaiah and Uriah are one and the same person.

The writer believes that he has shown that the whole decision of the Commission is a tissue of flimsy circumstances designed not as a fair resume of the testimony, but as an argument to support a conclusion arrived at in advance on the theory that because the applicant made his application after the publication of the warning Notice and List of names unaccounted for, he must be a fraud. It did not seem to occur to the Commission that if the applicants did indeed learn of their rights through the publication of this printed List, then the application was but a realization of the expectation with which this List was published.

Respectfully Submitted,

*Drum Hutton*

Indian Territory,  
Western District 1, Irwin Sawyer, on oath state that I served the within argument on the attorney for the Drum Hutton, by mailing a copy of same to him, and that the Registry receipt hereto attached is the Registry receipt for same.

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ day of Sept. 1906.

My Commission Expires \_\_\_\_\_

Notary Public.



## CERTIFICATE OF RECORD.

United States of America, }  
Indian Territory, } ss.  
Western District.

I, ROBERT P. HARRISON, Clerk of the United States Court in the Western District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 11 day of Jan, 1904, at 2<sup>45</sup> P. M., and duly recorded in Book 97, Marriage Record, Page 467.

Witness my hand and seal of said Court at Muskogee, in said Territory, this 18 day of January, A. D. 1904.

R. P. Harrison  
Clerk.

By

J. Harlan Deputy.

# MARRIAGE LICENSE.

United States of America,  
Indian Territory,  
Western District.

No. 1011

To Any Person Authorized by Law to Solemnize Marriage--Saying:

You are ~~Hereby~~ ~~Commanded~~ to Solemnize the Rite and Publish the Bonds of Matrimony between Mr. Albert Hawkins of Muskogee, in the Indian Territory, aged 23 years, and Mrs. Hannah Counsel, of Muskogee, in the Indian Territory, aged 21 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory, this 9th day of January, A. D. 1904.

R. P. HARRISON,  
Clerk of the U. S. Court.

By R. A. Bayne Deputy.

## CERTIFICATE OF MARRIAGE.

United States of America,  
Indian Territory,  
Western District.

I, J. H. Amulet, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 14 day of Jan, A. D. 1904, did duly and according to law as commanded in the foregoing License, solemnize the Rite and Publish the Bonds of Matrimony between the parties therein named.

WITNESS my hand this 14 day of Jan, A. D. 1904.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Western District, at Muskogee, Indian Territory, on the 5th day of Jan, A. D. 1904.

J. H. Amulet  
Minister of the Gospel.

NOTE--This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Indian Territory, from whence it was issued, within sixty days from the date thereof. If the party to whom the license was issued fails to return it to the clerk of the United States Court, the same shall be void.

W.F.M. 640.

Muskogee, Indian Territory, August 24, 1906.

J. H. Campbell,  
Attorney at law,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of Albert Hawkins, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Acting Commissioner.

WM-101.

Gr. In. 646.

Muskogee, Indian Territory, August 24, 1906.

The Honorable,  
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Albert Hawkins, as a Creek Freedman, including the decision of the Commissioner, dated August 22, 1906.

Respectfully,

IM-56.

Acting Commissioner.

Through the  
Commissioner of Indian Affairs.

Or. In. 646.

Muskogee, Indian Territory, August 24, 1906.

A. S. McKee,

Attorney At Law,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Albert Hawkins, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Acting Commissioner.

LM-100.

Op. No. 848.

Muskogee, Indian Territory, August 24, 1908.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Albert Hawkins, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

IM-78.

Acting Commissioner.

Gr. No. 144.

Muskogee, Indian Territory, August 24, 1906.

Albert Hawkins,

Care of J.B. Campbell,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of yourself as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Acting Commissioner.

Register.  
IM-99.



Or. 22,646.

Wamego, Indian Territory, October 1, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

September 26, 1906, there was filed with this office by Irwin Donovan, attorney for applicants, argument in the matter of the application for the enrollment of Albert Hawkins, et al., as Creek Freedmen, which said argument is enclosed herewith for the consideration of the Department in connection with decision of the Commissioner to the Five Civilized Tribes under date of August 22, 1906, said decision having been transmitted to the Department, together with the record in the case, on August 26, 1906.

As to the correctness of the arguments advanced by Mr. Donovan and of the position taken by him in his criticism of the manner in which a decision was reached in this matter

Secretary 2.

and in the finding of facts as set out in said decision, the Commissioner would respectfully refer to the record in the case.

It appears from the evidence and the records in the possession of this office, that the applicants in this case and none of them have ever been enrolled as citizens of the Creek Nation or admitted to citizenship in said nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory; that Albert Hawkins, the principal applicant, was twenty six years of age as of August 17, 1904, and had been a resident of Indian Territory for seventeen years prior to said date and that the original application in this case was made on August 17, 1904.

In view of this statement of facts, it was stated in said decision that it is a peculiar circumstance and worthy of especial notice that the original application in this case was made only a few weeks subsequent to the publication of the lists of persons whose names appear on Creek tribal rolls who could not be accounted for, the name of Uriah Hawkins (the alleged father of said applicants), appearing on said lists.

Is it a fair presumption that the applicants in

Secretary 3.

this case, residents of Indian Territory for many years, had knowledge of their alleged right to citizenship during these years and merely slept on their rights? It would appear as more reasonable that said applicants had no knowledge of any right to citizenship that might be claimed by them until after the publicity given the names on said lists and it is a fair presumption, in view of the evidence, that said applicants built up their claim to citizenship merely on the fact that one Uriah Hawkins, whose name appears on said lists, could not be accounted for.

In view of the facts in the case, I am of the opinion that the conclusions reached and set forth in said decision of the Commissioner are correct.

Respectfully,

Through the Commissioner  
of Indian Affairs.

Commissioner.

AQ-B

KIM

( C O P Y )

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

133

I.T.D.1676-1907.

January 20, 1907.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir :--

August 24, 1906, the Acting Commissioner transmitted the record in the matter of the application for the enrollment of Albert Hawkins as a Creek freedman, including your decision of August 22, 1906, adverse to the applicant.

Reporting January 24, 1907, (Land 87680-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed .

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 4 to Ind. Of.

( COPY )

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

Ind.  
74174-1906.  
87650-1906.

WASHINGTON.

January 24, 1907.

The Honorable,

The Secretary of the Interior.

Sir :--

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated August 24, 1906, transmitting the record relative to the application of Albert Hawkins, et al., for enrollment as Creek freedmen.

On August 17, 1904, Albert Hawkins, applied to the Commission to the Five Civilized Tribes for the enrollment of himself and his brother, David Hawkins, and his sisters, Pinkie and Gracie Hawkins, as Creek freedmen.

On the same date, Lula Jameson also applied for enrollment as a Creek freedman.

On August 22, 1906, the Commissioner held that the applicants were not entitled to such enrollment.

The record shows that the applicants are the children of Nellie Hawkins, a non-citizen, and claim the right to be enrolled as Creek freedmen through their alleged father, Isaiah (or Uriah) Hawkins.

The Commissioner reports that none of the applicants

are enrolled as citizens of the Creek Nation and that they were not admitted as citizens of that Nation by the Creek tribal authorities, or by the Commission or by the U. S. Court.

A preponderance of the evidence establishes the fact that Isaiah (or Uriah) Hawkins is not identical with Uriah Hawkins, identified on the J. W. Dunn roll of Creek freedmen made prior to March 14, 1867.

The applicants possess no right to be enrolled as Creek freedmen other than that derived from their alleged father.

The brief of Irwin Donovan, attorney for the applicants, filed on September 26, 1906, has been received and considered.

In view of Section 3 of the Act of April 26, 1906, (34 Stat. L., 137), the decision of the Commissioner adverse to the applicants is recommended for approval.

Very respectfully,

Acting Commissioner.

HRD-MBM.

Cr. No. 646.

Muskogee, Indian Territory, February 6, 1907.

Albert Hawkins,

General Delivery.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of January 30, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for your enrollment as a Creek Freedman, denying your application.

Respectfully,

Commissioner.



Dr. M. 644.

Muskogee, Indian Territory, February 8, 1907.

A. B. McRea,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of January 20, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Albert Hawkins, denying said application.

Respectfully,

Commissioner.

Cr. No. 646.

Muskogee, Indian Territory, February 6, 1907.

Irwin Denovan,

Attorney for Albert Hawkins,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of January 20, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Albert Hawkins, denying said application.

Respectfully,

Commissioner.

Cr. No. 644.

Muskogee, Indian Territory, February 8, 1907.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of January 20, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Albert Hawkins, as a Creek Freedman, denying said application.

Respectfully,

Commissioner.

CR EN 647

CR EN 647

*Enrollment Card #1767.*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Ind.Ter., November 3, 1902.

In the matter of the application of Alice Wilson for the enrollment of her minor child, Ethel Sherman, deceased, as a Creek freedman.

Alice Wilson, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Alice Wilson.  
Q What is your age? A About forty years old, as near as I can get at it.  
Q What is your post office address? A Catoosa.  
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Alice Wilson is found to be enrolled on Creek Freedmen Card, Field No. 177.

- Q For whom do you now make application for enrollment?  
A Ethel Sherman.  
Q Are you the mother of Ethel Sherman? A Yes, sir.  
Q Is she now living? A No, sir.  
Q When did she die? A August 10, 1902.  
Q How old was she when she died? A A year and eleven months and four days.  
Q When was she born? A Born September 4, 1900.  
Q What is the name of her father? A Henry Sherman.  
Q Is he a citizen of the Creek Nation? A No, sir.  
Q Is he a citizen of any nation in Indian Territory? A No, sir; not as I know of.  
Q Is he a United States citizen? A Yes, sir.  
Q Do you know the nature of an oath? A Yes, sir.  
Q Do you know what the consequences are if you swear to something that is false? A Yes, sir.  
Q Do you know that you are liable to imprisonment in the Government prison, if you swear to something that is not true? A Yes, sir.  
Q Can you now swear positively that Ethel Sherman was born on the 4th day of September, 1900, and died on the 10th day of August, 1902?  
A Yes, sir.

Alice Wilson

Subscribed and sworn to before me this 3rd day of November, 1902, at Muskogee, Indian Territory.

*H. A. Borey*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T., August 19, 1904.

In the matter of the application for the enrollment of Nugget Sherman, deceased, as a Creek Freedman.

APPEARANCES: M. L. Nett Attorney for Creek Nations:

ALICE WILSON, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Alice Wilson.  
Q How old are you? A About forty.  
Q What is your post office address? A Broken Arrow.  
Q Do you make application for the enrollment of Nugget Sherman as a Creek Freedman? A Yes, sir.  
Q Is that his name--Nugget Sherman? A Yes, sir.  
Q Is he living or dead? A Dead.  
Q Have you any married children? A One has been married.  
Q What is her name? A Allie McIntosh now. Was Bruner when she filed.  
Q When was Nugget Sherman born? A February 20, 1901.  
Q Have you a child named Silvetta? A Yes, sir.  
Q When was that child born? A I can't tell you.  
Q Have you a child named Revania? A Yes, sir.  
Q When was she born? A I can't tell you that now.  
Q Why is it you can't tell them? A I can't tell the ages of none the others unless I go back to the book.  
Q Have you one dead besides Nugget? A Yes, sir.  
Q What is its name? A Ethel Sherman?  
Q Have you filed for her? A Yes, sir.  
Q You pretend to say now, that this child, Nugget, was born in February 1901? A Yes, sir.  
Q The records here show that your child, Ethel, was born on the 4th of September 1900. That would make less than six months difference between the births of those two children? A Ethel was in 1899.  
Q You swore that the child was born in 1900. I not only have your affidavit as to when Ethel was born but I have your testimony which was taken and you stated that she was born September 4, 1900? A I think it was 1899.

Ethel Sherman, the daughter of Alice Wilson, is listed for enrollment on Creek Freedman Card, Field No. 1767. The evidence in that case shows that she was born September 4, 1900.

A copy of the evidence in that case is made part of the record in this case.

- Q How long after Ethel was born until Nugget was born? A It was not quite two years.  
Q Is there anything more you want to say about this case? A No, sir.

SNOW BELLS, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Snow Bells.  
Q How old are you? A About 64.  
Q What is your post office address? A ~~Samson~~ Cateosa.  
Q Do you know Alice Wilson? A Yes, sir.  
Q Do you know a child of hers named Ethel? A I knew the child that died in 1901 but I couldn't tell you what time.

Fugget Sherman-p8.

Q Do you know a child of hers named Ethel? A I don't know the child. I know that she had a child.  
Q Do you know a child of hers named Fugget? A I know she had a child but don't know the name.  
Q Do you know the child that was born just before this one that you came here to testify about? A Yes, sir. I know she had a child but she lost it but don't know the name of either of them.  
Q How much difference was there in the time of the birth of those two children? A I didn't notice the time. She asked me whether she could file for them and I told her I didn't know.  
Q I want you to be careful about these dates? A That is what I am.  
Q What is the name of the child that you want to testify about? A This last one. I don't know the name.  
Q When was her last child born? A 1901. Near as I can recollect. She asked me if I---  
Q Do you know what time of the year it was? A It was along in warm weather. About July I think.  
Q When it was born? A Yes, sir. It was born in 1901 because she asked me if the children could file and I told her I didn't know.  
Q What time of the year was it? A I don't know.  
Q Didn't you say it was in the summer? A Yes, sir, it was in the summer.  
Q When the child was born? A Yes, sir, but I can't say what month it was.  
Q Did she have two children within six or seven months? A Now that I don't know.  
Q How far do you live from her? A About eight miles.  
Q Were you there when the child was born? A No, sir.  
Q Were you there soon after it was born? A After it was born? I seen her after the child was born but I wasn't right there. I was in the neighborhood.

ALICE WILSON recalled:

By Commission:

Q Do you know Jane Hoffer? A Yes, sir.  
Q Was she with you when Ethel was born? A Yes, sir.  
Q I will state for your information that Jane Hoffer swears just like you do in the affidavit. She swears that Ethel was born on the fourth day of September 1900? A She made a mistake there in the affidavit for it was 1899 when Ethel was born. I have her age down in the Bible at home.

---000000000---

I, Drennan C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 13th day of September, 1904.

Edward Morrish  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 2, 1905.

In the matter of the application for the enrollment of  
Nugget Sherman (deceased) as a Creek Freedman.

(NO APPEARANCE).

Alice Wilson, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

Q What is your name? A Alice Wilson.  
Q What is your age? A I don't know how old.  
Q About 40? A I guess so.  
Q What is your postoffice address? A Broken Arrow.  
Q You have a child named Nugget Sherman? A I had one.  
Q Had one named Ethel Sherman? A Yes sir.  
Q Is Ethel dead? A Yes sir.  
Q When was Ethel Sherman born? A She was born September 4,  
1900.  
Q When did she die? A I couldn't say when. She was nearly two  
years old when she died.  
Q We have your testimony from before that she died in August,  
1902--is that correct? A Yes, I guess so.  
Q When was Nugget born? A He was February 20, if I mistake not,  
1902.  
Q 1902? A Yes sir.  
Q You are sure of that? A I made a little mistake of that be-  
fore.  
Q Have you any record of the date of his birth? A Yes sir.  
Q In a Bible? A On a piece of paper.  
Q Did you bring it along with you? A No sir.  
Q Did you look at it before you came here? A Yes, sir; that's  
how I come to make a mistake.

Jane Norfolk, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

Q What is your name? A Jane Norfolk.  
Q What is your age? A I couldn't tell you.  
Q 65? A I guess maybe near.  
Q What is your postoffice address? A Coweta.  
Q You know Alice Wilson? A Yes sir.  
Q You know a child named Nugget Sherman? A Yes sir.  
Q Do you know when he was born? A Yes sir.  
Q Do you know Ethel Sherman? A Yes sir.  
Q When was Ethel born? A I don't know certain time of the  
month. I know I waited on her.  
Q You know how long it was ago it was? A It might be about five  
years.  
Q Do you know whether it was in the year 1899 or 1900? I ~~might~~  
~~cannot~~ don't know certain times of the month and the year.  
Q Do you know anything about the birth of Nugget Sherman? A I  
do.

Nugget Sherman-----2.

Q Do you know when he was born? A I know she had the baby, but for certain times I couldn't tell you but I knows just as well. I am sure that she had it.

Joe Harrison, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

Q What is your name? A Joe Harrison.  
Q What is your age? A 56.  
Q What is your postoffice address? A Gateville.  
Q Do you know Alice Wilson? A Yes sir.  
Q Do you know a child named Nugget Sherman? A I don't know the child. I know when she was carrying it.  
Q Do you know when she had it? A Yes sir.  
Q When was that? A It must have been in 1902.  
Q Pretty sure of that? A I think so.  
Q Is that child living or dead? A Dead.  
Q When did Nugget Sherman die? A I don't know time of death.  
I lived fifteen miles this side of them.  
Q About how long ago did he die? A It must have been four years.  
Q According to your testimony and the testimony of Alice Wilson he was (not?) born four years ago? A I know the time she carried it.  
Q How old was Nugget when he died? A I didn't know Nugget.

Alice Wilson recalled.

EXAMINATION BY THE COMMISSION:

Q When did you say Nugget Sherman died? A I couldn't tell you exactly when she died. She was nearly two months old when she died.  
Q Lived about two months? A Yes sir.  
Q You say she was born in February, 1902? A Yes sir.  
Q That is correct, you are sure of that? A Yes sir.  
Q Lived two months? A Yes sir.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify upon oath that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed  
before me this the  
12 day of March,  
1905.

J. Y. Miller  
Edw. Collins  
Notary Public.

220.  
EX. 647.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-00000-

In the matter of the application for the enrollment of  
Nugget Sherman, deceased, as a Creek Freedman.

-: D E C I S I O N :-

The record in this case shows that on August 19, 1904, Alice Wilson appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Nugget Sherman, deceased, as a Creek Freedman. Further proceedings were had March 2, 1905.

The evidence shows that said Nugget Sherman, deceased, was born subsequent to May 25, 1901, and died prior to March 4, 1905.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Nugget Sherman, deceased, as a Creek Freedman, and that the application for his enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

MAY 5 1905

En. 547.

Muskogee, Indian Territory, January 24, 1908.

Alice Wilson,

Broken Arrow, Indian Territory.

Dear Madam:-

In the matter of your application for the enrollment of Nugget Sherman, deceased, you are advised that the Commission desires further evidence in the case.

You are hereby notified to appear before the Commission, at its office in Muskogee, Indian Territory, with two witnesses who know the dates of birth of your children, Nugget and Ethel Sherman, for the purpose of being examined under oath. It is desired that you bring in Jane Horfer who appears as midwife.

You should give this matter your prompt attention.

Respectfully,

Chairman.

Register.

COPY

Cr.Bm.647

Muskogee, Indian Territory, May 9, 1906.

M. L. Mett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes, in the matter of the application for the enrollment of Nugget Sherman as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior, for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

J. B. Needles

IM-5-9-24.

Commissioner in Charge

COPY

Br. In. 647.

Muskogee, Indian Territory, May 8, 1908.

Alice Wilson,

Broken Arrow, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Nugget Sherman, deceased, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior, for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. B. Neale*

Commissioner in Charge.

Register.  
YM-5-9-23.

COF

Gr.No.647.

Muskogee, Indian Territory, May 9, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Nugget Sherman as a Creek Freedman, including the decision of the Commission, dated May 8, 1905.

Respectfully,

*I. B. Needles.*

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

DI-5-9-25.



W.C.F.

DEPARTMENT OF THE INTERIOR,  
Washington.

I.T.D. 5844-1905  
L R S

June 15, 1905.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

May 9, 1905, you transmitted the record in the matter of the application for the enrollment of Nugget Sherman as a Creek Freedman, including your decision of May 8, 1905, rejecting said application.

Reporting May 18, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

E A Hitchcock

Secretary

1 inclosure

Refer in reply to the following  
Land  
36477-1905

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington.  
May 18, 1905

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes dated May 9, 1905, transmitting the record of the application for enrollment of Nugget Sherman, deceased, as a Creek Freedman.

May 8, 1905, the Commission decided adversely to the application.

The record shows that Nugget Sherman was born subsequent to May 25, 1901, and died prior to March 4, 1905.

In view of the record the approval of the Commission's decision adverse to the application is recommended.

Very respectfully,

C.F. Larrabee

Acting Commissioner

M. N. W.  
W.

✓

#647

(Copy)

June 25, 1905.

Evans, I. T.

In reply to your letter concerning this Nugget Shorman, who is a Freedman of the Creek citizen Parent Alice Wilson was Borned Feb 20 1902, live to be near two months old who is now Dead, please ask to be enrolled.

(signed)

ALICE WILSON.

Cr. En. 67.

Muskogee, Indian Territory, June 28, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of June 15, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of Nugget Sherman, deceased, as a Creek Freedman.

Respectfully,

Chairman.

Gr.Hn.647.

Muskogee, Indian Territory, June 28, 1908.

Alice Wilson,

Broken Arrow, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 15, 1908, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Nugget Sherman, deceased, as a Creek Freedman.

Respectfully,

Chairman.

CR EN 648

CR EN 648

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Ind. Terr., Aug. 19, 1904.

In the matter of the application for the enrollment of Emma Clay et al., as Creek Freedmen.

APPEARANCES: M. L. Mott Attorney for Creek Nation:

EMMA CLAY, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Emma Clay.  
Q What is your age? A Thirty-seven.  
Q Do you know what year you was born in? A No, sir, I don't know.  
Q What is your post office address? A Okemah.  
Q Do you make application for enrollment as a Creek Freedman or Creek by blood? A Creek Freedman.  
Q Have you some children that you wish to apply for? A Yes, sir.  
Q What is the name of the oldest? A Willie Jones.  
Q How old is he? A About sixteen.  
Q What is the name of the next one? A Lena Jones?  
Q How old is Lena? A Fourteen, the 13th of September.  
Q What is the next? A Ella Jones?  
Q How old is she? A Twelve in July.  
Q The next? A Arthur Clay.  
Q How old is he? A Ten.  
Q What is the next one? A Ruth.  
Q How old is Ruth? A Right.  
Q What is the next? A Lenard.  
Q How old is he? A Six.  
Q What is the name of the next? A Annie May.  
Q How old is she? A Four.  
Q What is the name of the father of Willie, Lena and Ella Jones?  
A Manson Jones.  
Q Is he living or dead? A Living.  
Q Do you claim he has any right in the Creek Nation? A No, sir.  
He is a state man.  
Q What is the name of the father of these other children? A Anderson Clay.  
Q Do you claim he has any right in the Creek Nation? A No, sir.  
Q Is he a state man? A Yes, sir.  
Q Where do you live? A South of Okmulgee.  
Q Do you live in the Creek Nation? A Yes, sir.  
Q How long have you lived in the Creek Nation? A Since I been grown I lived there four years.  
Q How long have you been living in the Creek Nation this time? A That is it. Four years this time.  
Q Did you ever live in the Creek Nation before that? A When I was small, me and my father.  
Q Where were you born? A I don't know sir, he never did tell me where I was born.  
Q Where did you live when you can first remember? A We was living in the Creek Nation.  
Q How long did you live there then? A I don't know, sir.  
Q Where did you go from there? A Texas.  
Q Did you go with him? A Yes, sir.  
Q Was you a small child then? A Yes, sir.  
Q Did you live in Texas, then, all the time until you came here four years ago? A Yes, sir.  
Q Did you ever draw any money from the Creek Nation? A No, sir.  
Q Q Did you draw any for any of these children? A No, sir.



Emma Clay et al.,--2.

Q What is the name of your father? A Isaac London.  
Q Was he a citizen of the Creek Nation? A Yes, sir.  
Q Was he a Creek Freedman or Creek by blood? A I don't know exactly what he was. Must have been a Freedman.  
Q Is he living or dead? A Dead.  
Q How long has he been dead? A I don't know, sir.  
Q To the best of your judgment, about how long? No response.  
Q Did he die before Willie was born or after? A Died before I was married. Died before I was grown.  
Q Did he die in Texas? A Yes, sir.  
Q What is the name of your mother? A Mariah.  
Q Mariah what? A Leonard---London.  
Q Was she a Creek Freedman? A I don't know. I was small when she died. That is what he said.  
Q Do you know whether she was a citizen of the Creek Nation or not? A No, sir.  
Q Do you remember her? A No, sir.  
Q She died before you can remember? A Yes, sir. He said that was her name.  
Q To what town in the Creek Nation do you claim to belong? A Well sir, I don't know. I never did hear them say what town he belonged to.  
Q Did you ever apply to any authority before now about your citizenship? A No, sir. I never did before. I inquired of people but didn't go before any one.  
Q Was your father a slave or do you know? A He never did tell me.  
Q You don't know about that? A No, sir.

PICKET RENTIE, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Picket Rentie.  
Q How old are you? A 78.  
Q What is your post office address? A Muskegee.  
Q Do you know Emma Clay? A Never know her but for a few days.  
Q Just met her in the last few days? A Yes, sir. She wanted to know her parents.  
Q You mean that she wanted to see the people she was kin to? A Yes, sir.  
Q Who are her kin folks. People she says are kin to her? A One of the old man London's sons was her father.  
Q Did you know this man? this woman says is her father? A I know the man.  
Q What is that man's name? A She says his name was Isaac.  
Q You said you knew him. What was his name? A Isaac London.  
Q When did you know him? A Before the War.  
Q Did you know him after the War? A Never did see them after the War.  
Q You never saw him after the War? A No, sir. That is all I know about it. I know the old man.  
Q Was this man, that this woman says was her father, a slave of a Creek citizen? A Yes, sir.  
Q Who did he belong to? A Ben Marshall.  
Q Did he have any brothers and sisters? A Yes, sir.  
Q Give us their names? A One of the sisters named Easter.  
Q Is she living? A I think she is. I don't know where she is.  
Q Did that man have any other sister? A Yes, sir.  
Q What were their names? A I think you will find one by the name of Frances.  
Q Any others? A I can't think of them.  
Q Any brothers? A Yes, sir.  
Q What are their names? A One named Simon London.  
Q Was that Simon Marshall? A Simon London.  
Q Was there one named Billie in that family? A There might be. I don't recollect him though.  
Q You remember one named Lewis? A I believe that is right.

Kama Clay et al.,—3.

- Q Now, what was the name of Simon's mother? A I think it was Harriet.
- Q Wasn't Hager? A Either Harriet or Hager one.
- Q Is Simon living? A Yes, sir. He is across the river.
- Q What do they call him now? A I don't know anything but Simon London. They might call him Simon Marshall.
- Q What was his father's name? A Old man London.

TOBE McINTOSH, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Tobe McIntosh.
- Q What is your post office address? A Muskogee.
- Q What is your age? A About 70.
- Q Do you know Kama Clay? A Saw her when she was a very small girl.
- Q Where did you see her? A In the Creek Nation.
- Q How long ago has that been? A That been since '66.
- Q Along about '66? A Yes, sir. Small little girl.
- Q Did you know her father? A Yes, sir.
- Q What was his name? A Isaac London.
- Q Did Isaac London leave the country soon after that time? A Yes, sir. Went back.
- Q Was he taken out of the Creek Nation during the War? A Yes, sir. Time the War was commenced here he was taken south.
- Q Was he ever known by any other name except Isaac London? A I never knewed it.
- Q He was a slave was he? A Ben Marshall's.
- Q Do I understand you to say that he came back here about '66, after the War? A Yes, sir.
- Q How long did he remain here? A Not very long. I couldn't tell you how long.
- Q How far did you live from him at that time? A I lived at the old Agency and he was living on Cane Creek.
- Q About how far was that? A About 25 miles.
- Q Has that man, Isaac London, got any brothers and sisters, that you know? A Easter London, old man London and Frances London. Edward London.
- Q Are they living now? A Yes, sir.
- Q What is the given name of the 'old man London' you speak of? A Edward.
- Q Is Elijah London a brother of this man, Isaac London? A Yes, sir.
- Q What is the name of Isaac London's mother? A Mary. His grandmother was named Fannie.
- Q Was Isaac a grown man before the War? A No, he was a young man.
- Q Was he a grown man at the close of the War? A Yes, sir. Had children.
- Q Was he older than Elijah? A Yes, sir.
- Q Do you remember when one of the Children was next to him? A No, sir, I couldn't tell you.

In Family No. 94, of the Dunn Roll, beginning at No. 878 and ending at No. 883, the following names appear:

Mary Marshall,  
Easter Marshall  
Elijah Marshall  
Basy Marshall  
Catherine Marshall  
Kinney Marshall."

- Q You know all of them do you? A Yes, sir.
- Q They include all the members appearing in that family? A Yes, sir.

This case is continued in order that the applicant may introduce further testimony.

Emma Clay et al.,--4.

I, Drexman C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Drexman C. Skaggs,

Subscribed and sworn to before me this 14th day of September,  
1904.

Edward Merrick.  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. JUNE 13, 1906.

In the matter of the application for the enrollment of Emma Clay, as a citizen of the Creek Nation.

Wiley Sookay, being duly sworn, testified as follows:  
Through Official Interpreter, Jesse McDermott.

Examination by the Commission.

- Q What is your name? A Wiley Sookay.
- Q How old are you? A I don't know how old I am. I lived down with the Indians.
- Q Do you know this woman here Emma Clay? A Yes sir.
- Q What is the name of her father? A Isaac London.
- Q Is he living or dead? A He had this ~~sat~~ <sup>sat</sup> lady here when she was a little child and he moved from Texas shortly after the treaty I heard he died.
- Q Do you remember when the Dunn payment was made? A No, sir, I don't know for certain.
- Q Do you remember the circumstance of it? A I don't know the date. I thought he drew the money, but I was not holding then any official position of any kind.
- Q Was Isaac London here at the time the Dunn payment was made? A Perhaps he was but I was not at Okmulgee when the payment was made and I don't know.
- Q What is the name of Isaac London's mother, do you know? A No I don't know the name of his mother.
- Q Do you know any of his sisters and brothers? A There were several in the family. Jessie Lonon, and Lija London, and Lija London is living but all the others are dead.
- Q Is Lija London a brother of Isaac? A Yes sir. There were Frances and Raster and several other girls in the family, but they are all dead and I am unable to give their names. They used to live in and around Choska.
- Q Did Isaac come back to the Creek Nation after he went to Texas that time? A Yes sir, he moved back here and this lady with him on his return and she was a little girl at that time.
- Q How long has Isaac been dead? A I don't know how long it is it was shortly after the treaty.
- Q Was he living at the time of the 29 dollar payment? A The payment was made a long time after he died.
- Q Was this woman Emma Clay living at the time of the payment? A Yes sir they considered her as a white woman.
- Q What town did she belong to? A I don't know.
- Q Do you know if she drew any money in the 29 dollar payment or the 14 dollar payment? I don't know that.
- Q Did Isaac London have any other children? A He might have but I don't know, as they lived on what they called North Fork district at that time.
- Q Do you know this girl's mother? A No sir.
- Q You didn't know her mother? A No sir. I didn't know her as I was in the north when the treaty was made; after I came back here I met Isaac London, and this woman was his daughter, and he said said her mother had died in Texas.

Ema Clay, being duly sworn, testified as follows:

Examination by the Commission.

Q You are the same person that appeared in August 1904 and gave testimony in this case? A Yes sir.

Q Were you living in the Creek Nation 1890? A No sir.

Q Did you draw any money in 1890--the 29 dollar payment? A No sir.

Q Where were you living in '95? A Yes sir, I was living in '95.

Q Did you draw any money at that time--the 14 dollar payment?

A No sir.

Q What Creek Town do you claim to belong? A I don't know sir, I was too small I don't remember.

Q When you came back to the Creek Nation to live here did you live by yourself or are there some kinfolks? A With my father.

Q The last time since you have been grown up? A I just came back I never lived with kinfolks.

Q Do you know your mother's name? A No sir, I was too small ~~when~~ when she died.

Q Was your mother a Creek? A No sir, they said she was a slave woman.

J.V. Miller,

~~Notary Public~~, being duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes as taken in said case on said date, *as same appear in said notes*

*J.V. Miller*

Subscribed and sworn to before me this 30th day of June, 1905.

*Eduard J. Luecke*  
Notary Public.)

No. 648.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Emma Clay et al, as Creek Freedmen.

SUPPLEMENTAL STATEMENT.

Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867, examined and Emma Clay is not identified on said roll, nor are her father and mother, or either of them, identified on said roll.

Tribal Rolls of the Creek Nation in the possession of this office examined and none of the applicants herein are identified on any of said rolls.

Record of the proceedings of the Colbert Commission examined and it does not appear that application was made to said Commission for the admission of the applicants herein, or any of them, to citizenship in the Creek Nation.

Record of the proceedings of the Commission to the Five Civilized Tribes under the provisions of the act of Congress of June 10, 1896, examined and it does not appear that application was made to said Commission for the admission of the applicants herein, or any of them, to citizenship in said Nation.

*W. O. Beall*  
Acting Commissioner.

Muskogee, Indian Territory,

August 4, 1905.

70-10  
In. 648.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Emma Clay et al, as Creek Freedmen.

SUPPLEMENTAL STATEMENT.

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Record of the proceedings of the Commission to the Five Civilized Tribes under the provisions of the act of Congress of June 10, 1896, examined and it does not appear that application was made to said Commission for the admission of the applicants herein, or any of them, to citizenship in said Nation.

Acting Commissioner.

Muskogee, Indian Territory,

August 4, 1905.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Emma Clay, Willie Jones, Lena Jones, Ella Jones, Arthur Clay,  
Ruth Clay, Lenard Clay, and Annie May Clay as Creek Freedmen.

D E C I S I O N.

The record in this case shows that on August 19, 1904, Emma Clay appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and her seven minor children, Willie Jones, Lena Jones, Ella Jones, Arthur Clay, Ruth Clay, Lenard Clay and Annie May Clay as Creek Freedmen.

Further proceedings were had June 13, 1905, and August 4, 1905.

The evidence shows that said Emma Clay was about thirty seven years old at the date of the application herein; that she is not identified on the roll of Creek Freedmen made by J.W. Dunn prior to March 14, 1867, and that her father and mother, or either of them, are not identified on said roll.

The evidence further shows that said Willie Jones, Lena Jones and Ella Jones are the minor children of said Emma Clay and of Manson Jones; that said Arthur Clay, Ruth Clay, Lenard Clay and Annie May Clay are the minor children of said Emma Clay and of Anderson Clay, and that no claim is made that said Manson Jones and Anderson Clay, or either of them, are citizens of the Creek Nation.

The evidence further shows that the applicants herein, or any of them, have never been enrolled as citizens of the Creek Nation, nor have they, or any of them, ever been admitted to citizenship in the Creek Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Emma Clay, Willie Jones, Lena Jones, Ella Jones, Arthur Clay, Ruth Clay, Lenard Clay and Annie May Clay, or any of them, as Creek Freedmen and the application for their enrollment as such is accordingly denied.

  
Commissioner.

Muskogee, Indian Territory.

OCT 12 1905

2070  
Spec. En: 645

Muskogee, Indian Territory, December 18, 1904.

Emma Clay,

Okemah, Indian Territory.

Dear Madam:

August 18, 1904, you made application for the enrollment of yourself and children as Creek Freedmen; at the conclusion of the evidence then submitted, the case was continued.

You are hereby notified that you will be allowed thirty days from date within which to submit additional evidence, and if none be offered within that time, the case will be adjudicated upon the record now before the Commission.

Respectfully,

Chairman.

Registrar.

MA. 045.

Muskogee, Indian Territory, May 10, 1906.

Mama Clay,

Muskogee, Indian Territory.

Dear Mammi:

August 19, 1904, you made application for the enrollment of yourself and minor children as Creek Freedmen, and at the conclusion of the evidence submitted, the case was continued.

You are hereby notified that you will be allowed thirty days from date within which to appear before the Commission to submit additional evidence, and if none be offered at that time, the case will be adjudicated on the record now before the Commission.

Respectfully,

Register.

Chairman.

No. 648.

✓  
Muskogee, Indian Territory, August 16, 1906.

John Carothers,

Okemah, Indian Territory.

Dear Sir:

Receipt is acknowledged of your communication of August 12, 1906, asking as to the status of the application for enrollment of Emma Clay et al as Creek freedmen.

In reply you are advised that said case is pending before this office and that when final action is had in the matter she will be duly notified.

Respectfully,

Acting Commissioner

✓  
M11040

Winkonoo, Indian Territory, October 14, 1908.

Emma Clay,

Okemah, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and your minor children, Willie, Lena, and Ella Jones and Arthur, Ruth, Edward and Annie May Clay, as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

A11-10

MM.64B

Muskogee, Indian Territory, October 14, 1905.

Mr. T. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Emma Gray et al., as Creek freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AM-62

**Nn. 648**

**Muskogee, Indian Territory, October 14, 1908.**

**The Honorable,**

**The Secretary of the Interior.**

**Sir:**

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Emma Clay, et al., as Creek freedmen, including the decision of the Commissioner to the Five Civilized Tribes, dated October, 12, 1908.

**Respectfully,**

**Commissioner.**

**Through the  
Commissioner of Indian Affairs.**

**AG-62**



D.O. 58527-1906  
I.T.D. 14918-1906  
Mn 848

(copy)

0.10  
F.M.  
L.M.

DEPARTMENT OF THE INTERIOR.

WASHINGTON, November 17, 1906

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 14, 1906, you transmitted the record in the matter of the application of Emma Jay, for the enrollment of herself and her seven minor children, Willie, Lena, and Ella Jones, and Arthur, Ruth, Leonard and Annie May Jay, an Ojibwa Indian, including your decision of October 12, 1906, adverse to all the applicants.

Reporting November 10, 1906, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department approves its said recommendation, and your decision is hereby affirmed.

Respectfully,

(signed) *James H. Smith*  
Chief Assistant Commissioner.

1 inclosure.

Refer in Reply  
to the follow-  
ing: Land  
88790-1906

3 Enclosures - Copy -

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

WASHINGTON, Nov. 10, 1906.

The honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated October 14, 1906, transmitting the record of the application for enrollment as Creek Freedmen by Emma Olay, for herself and her seven minor children, Willie, Lena and Ella Jones, and Arthur, Ruth, Leonard and Annie May Olay.

October 12, 1906, the Commissioner decided adversely to all the applicants.

The record shows that Emma Olay was about thirty-seven years old in 1904; that neither she nor her father or mother is identified on the Dunn roll; that no claim is made that Manson Jones or Anderson Olay, the fathers of the minors, are citizens of the Creek Nation, and that none of the applicants has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

L.M.H. LL.

C. F. LARRABEE.

Acting Commissioner

Or Bn 648

Muskogee, Indian Territory, November 20, 1906.

Mr. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby notified that under date of November 17, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1906, denying the application for the enrollment of Emma Gray, et al, as Creek Freedmen.

Respectfully,

Acting Commissioner.

OF IN 640

Muskogee, Indian Territory, November 26, 1906.

Mrs. M. C. Gray,

Okemah, Indian Territory.

Dear Madam:

You are hereby notified that under date of November 17, 1906 the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1906, denying the application made by you for the enrollment of yourself and your minor children, Willie, Lena and Ella Jones and Arthur, Ruth, Leonard and Annie May Gray, as Creek Freedmen.

Respectfully,

Acting Commissioner.

NY 648.

Muskogee, Indian Territory, January 18, 1907.

Fredonia Williams (or Fredonia Price),  
Wanteo, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your minor child, Myrtle Williams, as a Creek Freedman, you are advised that this office is unable to identify Henry Williams, the alleged father of said child, on its rolls of Creek Freedmen.

You are requested to write this office within ten days and state the names of his parents and of other members of his family, the Creek Indian town to which he belongs, and his roll number as same appears on his deeds or allotment certificates to land in the Creek Nation.

You are further advised that this office requires proof of your marriage to said Henry Williams, which may consist of either the original or certified copy of your marriage license and certificate and should be forwarded within said ten days.

In the event that you are not the lawful wife of said Henry Williams, it will be necessary that you furnish proof in the form of affidavits or testimony of said Henry Williams and of two disinterested witnesses as to who the father of said Myrtle Williams is.

Respectfully,

Commissioner.

OR EN 677

OR EN 677

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
MUSKOGEE, I.T. MAYE, 1904.

MEMO. 75

In the matter of the application for the enrollment of Rosella Ervins, et al., as Creek Freedmen.

March 4, 1904, (I.T.N. 1422-1904), the Department remanded this case with instructions to allow the applicants further opportunity to show their rights. The case was set for rehearing on April 29, 1904. No appearances were made on that day.

The principal applicant appears on this day in person and by A.S. McRae, attorney.

Rosella Ervins being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Rosella Ervins.

Q You are the same person who has heretofore made application for the enrollment of yourself and your two children, Arline and Rosette, are you? A Yes sir.

Q

(The Attorney for the applicant is handed for inspection letter of Department of March 4, 1904, I.T.N. 1422-1904, in the case now under examination; also a copy of the opinion of the Assistant Attorney General of December 23, 1903, in the case of Dan Campbell.)

Examination by Mr. McRae:

Q Now, Mrs. Ervins, have you any relatives whose name appears upon the rolls of the Creek Nation? A Yes sir.

Q What's the name of the nearest relative whose name appears on any of these rolls? A Tobe McIntosh.

Q What is the relationship between you and Tobe McIntosh?

A Second cousin.

Q Is Tobe McIntosh living now? A Yes sir.

Q Do you know where he is? A Yes sir.

Q Is he present now? A Yes sir.

Q Are there any other relatives now whose name appears upon any of the tribal rolls of the Creek Nation that you remember? A Grandma, Jennie Hawkins.

Q Did she go by any other name? A No sir, that's the name she went by.

Q Was she your mother's mother? or your father's mother? A Father's.

Q Is she living? A No sir, dead.

Q How long have you been residing in the Creek Nation since your return from Texas? A I have been here a good while.

Q As near as you can come to it? A 12 or 13 years.

Q Can you state any reason why your name does not appear on any of the tribal rolls of the Creek Nation? A No sir; when I come out here, I had to go back home to leave my business in my brother's hands and I come up here and they said he had my name put on the town roll.

Q Do you remember the name of the town? A Arkansas.

Q What is the name of your brother? A James Hawkins.

Q Is he living? A Yes sir.

Q Is he a recognized citizen of the Creek Nation? A Yes sir.

Q When was this with reference to the time that you came to the Territory and left the matter of your citizenship in the hands of your brother? A That's about 12 years ago.



Q You stated in your original examination that you had returned from Texas to the Creek Nation in 1866 and stayed in the Creek Nation 2 or 4 months? A Yes sir.  
 Q Then why your name does not appear upon the Dunn roll is cause you had returned to Texas? A Yes sir;  
 Q Now, how long did you remain in Texas before you returned to the Indian Territory? A Two years.  
 Q That was about 1868 then? A Yes sir.  
 Q What part of the Indian Territory did you return to? A Chickasaw Nation, and stayed there a while and from there came here and have been here ever since.  
 Q Then you have resided continuously in the Creek Nation and Indian Territory since 1868? A Yes sir.

Examination by Commission:

(The records of the Commission show that James Hawkins is listed for enrollment on Creek Freedman card No. 186 and that his name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, Roll No. 565. The record in his case shows that he was the slave of Hettie Williston; that his name does not appear upon the Dunn Roll; that he was admitted to citizenship in the Creek Nation by the Creek Council in 1867, and that his name appears on the 1890 and 1895 tribal rolls of the Creek Nation.)

The Creek Law Book is fully examined and it does not appear that Rosella Ervine was so admitted.)

Applicant excused, and Toke McIntosh called and sworn, testified as follows:

Q State your name, age and post office address? A Toke McIntosh, Muskogee, I am about near 70.

The records of the Commission show that Toke McIntosh is listed for enrollment on Creek Freedman card 621 and that his name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, Roll No. 2371. The card in his case shows that his name appears on the Dunn Roll No. 566, and that he is identified on the 1890 and 1895 tribal rolls of the Creek Nation.)

Examination by Mr. McRae:

Q Mr. McIntosh, are you acquainted with the applicant, Rosella Ervine? A Yes sir.

Q How long have you known her? A Well, she was a small girl when she went away from Texas.

Q How long have you known her? A A number of years.

Q All of her life pretty well? A All of her life.

Q Do you know to whom she belonged before the war? A Hettie McIntosh but she was married and called Miss Williston- if I am not mistaken about her name.

Q Was Hettie an Indian? A Yes sir.

Q Are you any relation to the applicant, Rosella Ervine? A Well, her father and my father are two sisters' children.

Then they would make her relationship to you clear. A. He said he  
second cousin.  
Q. Do you know the whereabouts of the defendant, Nellie Evans,  
during the year 1907? A. She was here.  
Q. How do you know? A. I seen her here.  
Q. About how long did she remain here to your knowledge? A. Not very  
long. I saw her about 1907.  
Q. Did you see her in the Grand Jurors any time after that? A. Yes, I  
Q. About how long after the first time? A. About a year or so.  
Q. Did you see her continuously in Indian Territory and Creek Nation  
ever since then? A. Yes sir, since she came to live.

By the Commission:

Q. On the 11th of June 1907, did you make application to be admitted to  
the bar in the State of Oklahoma? A. Yes, sir.  
Q. In the Territory, the applicant must have to sit stand for her  
first trial? A. Yes.  
Q. Did you sit in that case in the Grand Jurors in the first trial?  
A. Yes.  
Q. In the first trial of the case?  
A. Yes, I was the first juror. I don't tell you, what day, what time?

The jury list of the Grand Jurors was made, the jury list of  
the Grand Jurors was made under the act of June 14, 1907, and the jury list in the first trial was made in  
the first trial.

There is no other person who is in the jury list that is a member of  
the Commission. The jury list is the only list of the Grand Jurors  
and the jury list, and that is the only list of the Grand Jurors  
and the jury list.

(The jury list is the only list of the Grand Jurors)

Commissioner of the Oklahoma Territory, Oklahoma, 1907.

(over)

Respectfully,  
J. H. H. H.

Very truly yours,  
J. H. H. H.

Harry A. H. H.

June 14, 1907

Respectfully,  
J. H. H. H.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. MAY 18, 1908.

MEMORANDUM in the matter of the application of Rosella Ervins for the enrollment of herself and her two minor children, Arline and Rosette Ervins, Creek Freedmen.

ROSSELLA ERVINS having been first duly sworn, testified as follows

Examination by the Commission:

What is your name? A Rosella Ervins.

How old are you? A About 55.

For whom do you now make application for enrollment? A Myself and Rosette and Arline. They are the two youngest children, the others are married.

Do you make application for the enrollment of yourself and your two children? A A Creek Freedman? A Yes sir.

What is your post office address? A Wildcat.

How old is Arline? A She is 18.

How old is Rosette? A About 14.

Are their names Ervins? A Yes sir.

Where were you born? A Down across the Arkansas river somewhere.

In the Creek Nation? A Yes sir.

Did you leave the Creek Nation before the war? A The white folks went off during the war.

Did they take you with them? A Yes sir; I went with them.

Where did you go? A Down in Texas.

What was the name of your owner when the slaves were freed? A Nettie Willison.

Did you stay in Texas until after the war closed? A Yes sir; I stayed there until after the war closed; stayed with them.

When did you come back to the Creek Nation? A I came back in '66.

How long did you stay? A I stayed about 3 months I believe.

Then where did you go? A Went back.

Back to Texas? A Yes sir.

How long did you stay in Texas? A I don't know exactly how long I stayed; about 4 years I guess, then I came to the Chickasaw Nation and stayed there all along until I came into the Creek Nation.

Where was Arline born? A In Texas.

Where was Rosette born? A In Texas.

How ~~long~~ old was Rosette when you came here? A I don't know.

About how old? A She might have been about nine years, or 10.

When did you come here? A (Q) When I came this last time?

Yes. A She was my youngest child; she was about 9 or 10 years old I think. I can't remember the children's ages; I have them on the book at home but I have forgot it.

Well then you came back here about three or four years ago? A Yes, sir; been out here two or three times.

Is your name on the Dunn Roll? A I don't know, sir.

The roll of Creek freedmen prepared by J. W. Dunn prior to March 14, 1867, examined, and the applicant, Rosella Ervins, not identified thereon.

Q Did you ever draw any money from the Creek Nation? A No sir; not as I know of. If I did, I didn't get none. I don't know whether my brother got any or not. He is the one said he put my name on the roll.  
Q Has any money ever been drawn for your children, Rosette and Arline, from the Creek Nation? A No, sir.

The 1890 and 1895 pay rolls of the Creek Nation examined and the names of none of the applicants herein found thereon.

The 1891 and 1895 omitted pay rolls of the Creek Nation examined and the names of none of the applicants herein found thereon.

Q What is the name of the father of Arline and Rosette? A Alec Ervine.  
Q Is he living or dead? A He isn't dead, he is right here.  
Q Is he a citizen of the Creek Nation? A No, sir.  
Q Is he a citizen of any nation in the Indian Territory? A No, sir.  
Q Is he a citizen of the United States? A Yes, sir.  
Q Were you or any of these children for whom you apply ever admitted to citizenship in the Creek Nation by the Commission to the Five Civilized Tribes, under the act of June 10, 1896? A No, sir; I didn't come then.

List of citizens admitted to citizenship in the Creek Nation by the Commission to the Five Civilized Tribes, under the act of June 10, 1896, examined, and the names of none of the applicants ~~xxxxxx~~ found thereon.

Q Have you, or your children for whom you make application, ever been admitted to citizenship in the Creek Nation by the Creek Citizenship Committee, under the provisions of the act of the Creek National Council, approved May 30, 1895, commonly known as the Colbert Citizenship Commission? A No, sir.

List of persons admitted to citizenship in the Creek Nation by the Colbert Citizenship Commission examined and the names of none of the applicants herein are found thereon.

Q Have you or any of your children for whom you apply ever been admitted to citizenship in the Creek Nation by the United States Court in Indian Territory upon an appeal from a decision of the Commission to the Five Civilized Tribes or the Creek tribal authorities, under the act of June 10, 1896? A No, sir.

List of persons admitted to citizenship in the Creek Nation by the United States court in Indian Territory, examined, and it does not appear that any of the applicants herein have ever been admitted by a judgment of said court.

Q Are there any other statements you desire to make with reference to the application you make for the enrollment of yourself and your two minor children, as Creek freedmen? A No, sir.

COMMISSION TO APPLICANT: You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you for the enrollment of yourself and your two minor children, Arline and Rosette Ervine, as Creek freedmen, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.

Witness excused.

-----  
Oliver C. Winkle, having been duly sworn, upon his oath, states that



-1-  
is stenographer for the Commission to the Free Republic of Cuba  
reported the proceedings and is the duly certified true and  
correct copy of the proceedings and is a full  
correct copy of the proceedings.

Subscribed and sworn to before me this 20th day of May, 1906, at  
Kings, Ind. Ter.

(Seal)

(Signed) Edward Harrison

Notary Public.

Henry G. Rains being sworn, states that the above and foregoing is a  
true and complete copy of the testimony herein, as appears from the  
record.

Henry G. Rains

Subscribed and sworn to before me this 20th day of December, 1906.

Edward Harrison

Notary Public.

IN THE MATTER OF THE APPLICATION FOR THE CERTIFICATE OF CITIZENSHIP  
OF WILLIAM, JOHN ANDERSON, WILSON ANDERSON, JOHN ANDERSON, ROBERT H.  
ANDERSON, DAVID ANDERSON, LUTHER ANDERSON, ROBERT ANDERSON, WILSON  
ANDERSON, ARTHUR ANDERSON AND CHARLES ANDERSON AS ALIEN CITIZENS.

A. H. MURPHY ATTORNEY FOR APPLICANTS  
ABRAHAM HANCOCK  
WILLIAM WILSON, WILSON ANDERSON, WILSON ANDERSON

THE COURT: WILLIAM, JOHN ANDERSON, WILSON ANDERSON, JOHN ANDERSON, ROBERT H. ANDERSON, DAVID ANDERSON, LUTHER ANDERSON, ROBERT ANDERSON, WILSON ANDERSON, ARTHUR ANDERSON AND CHARLES ANDERSON AS ALIEN CITIZENS.  
Q. Now, did you ever see a picture of William Anderson?  
A. Yes, sir.  
Q. That is the picture of William Anderson?  
A. Yes, sir.  
Q. Do you have a photograph of him in your home?  
A. Yes, sir.  
Q. Have you some children for whom you wish to migrate?  
A. Yes, sir.  
Q. What is the name of the children?  
A. William Anderson.  
Q. How old is he?  
A. Four years.  
Q. What is the name of the other child?  
A. Wilson.  
Q. How old is he?  
A. Two years.  
Q. What is the name of the other child?  
A. Robert.  
Q. How old is he?  
A. One year.  
Q. Are these children all yours?  
A. Yes, sir.  
Q. Are they living with you?  
A. Yes, sir.  
Q. What is the name of their mother?  
A. William Anderson.  
Q. Is he living?  
A. Yes, sir.  
Q. Do you claim he is a citizen of the State of New York?  
A. Yes, sir.  
Q. State that is not a fact, is it?  
A. Yes, sir.  
Q. Where were you born?  
A. In New York.  
Q. Where did you live?  
A. In New York.  
Q. How long have you lived in the State of New York?  
A. Five years.  
Q. Did you live all your life in New York?  
A. Yes, sir.  
Q. Where were these children of yours born?  
A. In New York.  
Q. Are they in New York?  
A. Yes, sir.  
Q. What is the name of your father?  
A. John Anderson.  
Q. Is he living or dead?  
A. Living.  
Q. Do you claim that he was ever a citizen of the State of New York?  
A. No, sir.

Reference is hereby made to the report of the Special Agent in Charge of the Bureau of Immigration in that case to make part of the record in this case.

That the Court is of the opinion that the children of the above-named persons are entitled to the same rights as the children of citizens of the United States.

CALLIE WILLIS, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Callie Willis.  
 Q What is your age? A Thirty-four.  
 Q What is your post off ice address? A Grayson.  
 Q Do you make application to be enrolled as a Creek Freedman? A Yes, sir.  
 Q Have you some children for whom you wish to apply? A Yes, sir.  
 Q What is the name of the eldest? A Morris.  
 Q How old is he? A Eleven.  
 Q What is the name of the next? A Rosella.  
 Q How old is she? A Ten.  
 Q What is the next? A Wilena.  
 Q How old is she? A Nine.  
 Q What is the name of the next? A Arthur.  
 Q How old is he? A Eight.  
 Q What is the name of the next one? A Mammie.  
 Q How old is she? A Six.  
 Q Are these children all alive and living with you? A All but two.  
 Q Are two of them dead? A Yes, sir.  
 Q Which two are dead? A Mammie and Arthur.  
 Q How long have they been dead? A About two years. Both died in 1906.  
 Q What is the name of the father of these children? A Edmund Willis.  
 Q Is he living? A Living.  
 Q Do you claim he has any rights in the Creek Nation? A No, sir.  
 Q State man is he? A Yes, sir.  
 Q Where were you born? A Texas.  
 Q Where do you now live? A In the Creek Nation.  
 Q How long have you lived in the Creek Nation? A Five years ago I came here.  
 Q Did you live all your life in Texas until you came here about five years ago? A Yes, sir.  
 Q Are you a full sister of Queen Williams? A Yes, sir.  
 Q Name father and mother? A Yes, sir.  
 Q Your father was a state man was he? A Yes, sir.  
 Q And you claim that your mother has rights in the Creek Nation? A Yes, sir.  
 Q Did you ever draw any money from the Creek Nation? A No, sir.  
 Q Did you ever draw any money for these children from the Creek Nation? A No, sir.  
 Q Did you ever apply for citizenship any where? A No, sir.  
 Q Is this the first time you ever went before any authority about your rights as a Creek Citizen? A Yes, sir.

QUEEN WILLIAMS recalled:

By Commission:

Q Have you a brother that you want to apply for as a Creek Freedman?  
 A Yes, sir.  
 Q He is afflicted is he? A Yes, sir.  
 Q What is the matter with him? A Blind.

Under the circumstances Queen Williams will be permitted to apply for her afflicted brother.

Q What is his name? A William Irvin.  
 Q About how old is he? A Thirty-six.  
 Q Is he a full brother of yours? A Yes, sir.  
 Q Name father and name mother? A Yes, sir.  
 Q Where was he born? A Texas.  
 Q Where does he now live? A In the Creek Nation.  
 Q How long has he lived in the Creek Nation? A Five years.



- Q Did he live all his life in Texas until about five years ago?  
A Yes, sir.  
Q You desire that the same evidence that you have given in your own case be applied to the case of your brother do you? A Yes, sir.  
Q The same circumstances of his case surrounds yours does it? A Yes, sir.  
Q Did you say he has two children? A Yes, sir.  
Q What is the name of the oldest? A Jerrilel.  
Q How old is that child? A Eleven years old.  
Q What is the name of the next one? A Marie.  
Q How old is she? A Ten.  
Q What is the name of the mother? A Della.  
Q Does Della claim any rights in the Creek Nation? No response.

By Mr. McRea:

- Q What was the name of your grandmother? A Jennie Hawkins.

ROSELLA IRVIN, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Rosella Irvin.  
Q How old are you? A About sixty-four.  
Q What is your post office address? A Grayson.

By Mr. McRea:

- Q What was the name of your mother? A Jennie Hawkins.  
Q Was she a freedman citizen of the Creek Nation? A Yes, sir.  
Q Does the name of your mother, Jennie Hawkins, appear upon any of the Tribal Rolls of the Creek Nation, that you know of? A Yes, sir. I guess it was. She was here--she died in this country.  
Q To what town in the Creek Nation did she belong to? A Arkansaw Town.

By Commission:

- Q Are you the mother of Queen Williams and Callie Willis? A Yes, sir.  
Q Were you the slave of a Creek citizen before the War? A Yes, sir.  
Q Were you taken out of the Creek Nation during the War? A Taken out during the War.  
Q Was your mother living or dead at that time? A Died after we came back. She come on back. I was here and we went to see her. I didn't come on back with her. I come back when they made the Dunn Roll.  
Q Did she go out there to see you during the War or after? A After  
Q How long after? A About a year.  
Q How long after she was ~~went~~ out there until you come back to the Creek Nation? A I come back the next year following but didn't stay.  
Q How long did you stay? A Three months, then came back again and stayed four months. She died before I came back.

By Mr. McRea:

- Q Mrs. Irvin, in your application in behalf of yourself you stated that the name of your grandmother was Jennie Hawkins. Was that correct? A No, sir. My mother's mother was named Affa.  
Q Do you state that, that statement, if you made it, that the name of your grandmother was Jennie, was not correct? A It is not correct. My mother was named Jennie.

By Commission:

- Q What is your grandmother's other name? A Affa Hawkins.

The Dunn Roll examined and Affa Hawkins not identified thereon.

- Q Did your mother have any other children? A Yes, sir.  
Q What are their names? A One Jennie, after her.  
Q What is the name of another one? A One named Affa, after her mother.  
Q Where are they? A In Texas.  
Q All of her children living in Texas? A They were but three of us and my brother.  
Q Who was your mother living with when you came back after the War?  
Q Living across the river with some folks, I don't know their names. I think she was living with her grandson.  
Q What was his name? A Gabriel Jamison.  
Q Did your mother come back her at the same time that Jim Hawkins did? A Yes, sir.  
Q Did they come together? A He come before she did. She was here. She went out there to see us and----  
Q And your mother and Jim Hawkins come back her at the same time?  
A No, sir, she come out and stayed three or four months and----  
Q Was she taken to Texas during the War? A No, sir, but we all was taken.  
Q She remained here in the Creek Nation did she? A Yes, sir.

Upon request of the attorney for the applicant this case is continued for further testimony.

---000000000---

I, Drennan G. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

*Drennan G. Skaggs*

Subscribed and sworn to before me this 15th day of September, 1904.

*Edward H. Hewick*  
Notary Public.

Ex. 649.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T., September 16, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Queen Williams et al., as citizens of the Creek Nation.

APPEARANCES: A. S. McRea Attorney for applicants.

JIM HAWKINS, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Jim Hawkins.  
Q How old are you? A Sixty.  
Q What is your post office address? A Grapson.

By Mr. McRea:

- Q Are you acquainted with Rosella Irvin? A Yes, sir.  
Q Is she any relation to you? A Yes, sir.  
Q What relation? A Sister.  
Q Are you a recognized freedman citizen of the Creek Nation? A Yes, sir.  
Q Are you full brother and sister? A Yes, sir.  
Q What was the name of your father? A Bob Hawkins.  
Q What was the name of your mother? A Jennie Hawkins.  
Q Did you and your sister Rosella belong to the same ones? A Yes, sir.  
Q Were they Creek Citizens by blood? A Yes, sir.  
Q Your sister, Rosella, in her original application stated to the Commission that she returned back from Texas at the time the Dunn Roll was being made of the citizens of the Creek Nation. State whether or not you seen her in the Creek Nation at that time? A Yes, sir.  
Q She further testified that she could not remain until the completion of the Roll and left the matter of her enrollment in your hands. Is that correct? A Yes, sir.  
Q Now state to the Commission all of the circumstances connected with her enrollment in so far as you were concerned? A She left it with me to see after her enrollment of her name and at the time I was at Okmulgee at the Council and I put the business in the hands of the Town King, Gabriel Jamison, and he told me himself that he had put her name on. That is what he told me.  
Q Then you are positive that she did return here, at the time the Dunn Roll was being made, for the purpose of having her name enrolled as a citizen of the Creek Nation? A Yes, sir.  
Q What was the name of your grandmother? A Jennie, no Affa.

By Commission:

- Q Did Rosella come back the same time that you did? A Yes, sir.  
Q Came at the same time? A Yes, sir.  
Q She just stayed a little while and went back to Texas? A Yes, at  
Q Your name is not on the Dunn Roll. You know that don't you? A I know it is not on the Dunn Roll.  
Q Your name was not on that roll? A No, sir.  
Q You were not here? A Yes, sir.  
Q Why is it your name is not on that roll? A Failing of the Council.  
Q The fact is you were admitted to citizenship by the Council after the Dunn Roll was made? A I don't know whether it was after the Dunn Roll was made. I was here when Major Dunn was the agent and it must be the failing of the council I didn't get my name on the roll.

The records of the Commission show that the witness, James Hawkins, is listed for enrollment on Creek Freedman Card, Field No. 155, Approved Roll No., 546.

The Dunn Roll examined and the witness, James Hawkins, is not identified on that roll, nor is Rosella Irvin identified on that roll.

The Creek Law Book, compiled by A. P. McKelley, under the act of the Creek National Council, October 15, 1892, examined and it appears therefrom, at page 102, that James Hawkins was admitted to citizenship in the Creek Nation by the Creek National Council in 1867. It does not appear that Rosella Irvin or the applicant herein, Queen Williams, was ever admitted to citizenship in the Creek Nation by any authority.

By Mr. McRea:

Q How long has your mother, Jennie, been dead? A Been dead about near twenty years.

Q Did she ever draw any money from the Creek Nation? A Yes, sir, she has drawn money.

Q Her name appear on any of the Tribal Rolls of the Creek nation? A Yes, sir, it ought to she was an old citizen.

By Commission:

Q Did she come back from Texas the same time you did? A Yes, sir, just before I did.

Q Did she remain here then until she died? A Yes, sir.

Q What was her name when she came back here? A Jennie Hawkins.

Q she came back before you did? A Yes, sir.

Q Did you ever know Samuel Marshall? A I don't remember.

Q Ever know Nancy Marshall? A No, sir, don't remember.

Q What town did your mother belong to? A Arkansaw.

Q Did you ever know any one by the name of Walsey Hawkins? A No, sir, don't remember.

Q Did your mother have any children living with her when she came back here? A No, sir.

Q Who was she living with? A Lived at Gabriel Jamison's.

Q Lived with him? A No, sir, off a little piece.

Q Who was living with her? A One of her nieces.

Q What was her name? A Mulsey.

Q Who else lived with her? A That is all.

Q Just Mulsey? A Yes, sir.

Q You don't know any body by the name of Samuel Marshall? A No, sir.

Q You don't know Nancy Marshall? A No, sir.

By Mr. McRea:

Q Did you live in Arkansaw Town? A Yes, sir.

Q Were you pretty generally acquainted with the citizens of Arkansaw Town? A Yes, sir.

Q Did you know of any other woman by the name of Jennie Hawkins living in that town at that time? A No, sir, not that I know of.

Q You say you are sixty years old? A Yes, sir, first day of March. This gone.

Q You are quite certain and positive that your mother, Jennie Hawkins, was enrolled as a citizen of the Creek Nation are you? A Yes, sir.

By Commission:

Q How did she obtain citizenship. Was she admitted when you was? A Yes, sir, I suppose so. I was here a good many years before they made me a citizen.

By Mr. McRea:

Q Your citizenship was made upon your return back to the Creek Nation within the stipulations of the Treaty of 1866. Is that correct? A Yes, sir.

Q Have you any reason to believe that the name of Jennie Hawkins

No. 649.--3.

Q. Now come forward upon this full, in your mother? A. Yes, sir.

Q. Now come, say you believe so? A. Well, because she born so.

Jennie Jenkins was the one that brought me into the world and I don't know any other.

Q. And you don't know of any other woman named Jennie Jenkins in Arkansas? A. No, sir.

Q. Do you know of any citizens, now living, who were acquainted with your mother, Jennie Jenkins? A. Yes, sir, Gabriel Jenkins.

By Commission:

This case is continued, upon request of the attorney for the applicant, for thirty days, in order that further evidence may be introduced.

-----G:-----

I, Drinnan G. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

*Drinnan G. Skaggs*

Subscribed and sworn to before me this 28 day of September, 1904.

*[Signature]*  
Notary Public.



Ex. 849.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-101-

In the matter of the application for the enrollment of Queen Williams, John Anderson, Winton Anderson, Lena Anderson, Maly O Anderson, Callie Willis, Morris Willis, Rosella Willis, Allena Willis, Arthur Willis, deceased, Mammie Willis, deceased, and William Irvin, Jerriel Irvin and Marie Irvin as Creek Freedmen.

S U P P L E M E N T A L   S T A T E M E N T .

Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867, examined and the name of Queen Williams is not identified on said Roll.

Tribal Rolls of the Creek Nation in the possession of the Commission examined and the applicants herein, or any of them, not identified on any of said Rolls.

Records of the proceedings of the Colbert Commission in the possession of the Commission examined and it does not appear that application was made to said Commission for the admission of applicants, or any of them, to citizenship of the Creek Nation.

Records of the proceedings of the Commission to the Five Civilized Tribes under authority of the Act of Congress of June 10, 1896, examined and it does not appear that application was made to the Commission for the admission of the applicants herein, or any of them, to citizenship in the Creek Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman

Muskogee, Indian Territory,

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

- 01 -

In the matter of the application for the enrollment of Queen Williams, John Anderson, Winton Anderson, Lena Anderson, Maly O. Anderson, Callie Willis, Morris Willis, Rosella Willis, Ellena Willis, Arthur Willis, deceased, Mammie Willis, deceased, and William Irvin, Jerrilol Irvin and Marie Irvin as Creek Freedmen.

-: D E C I S I O N :-

The record in this case shows that on August 19, 1904, Queen Williams for herself and for her four minor children, John Anderson, Winton Anderson, Lena Anderson and Maly O. Anderson, and for her brother, William Irvin, and for his two minor children, Jerrilol and Marie Irvin, and Callie Willis for herself and her five minor children, Morris Willis, Rosella Willis, Ellena Willis, Arthur Willis, deceased, and Mammie Willis, deceased, appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as Creek Freedmen. Further proceedings were had September 16, 1904, and January 19, 1905.

A copy of the testimony in the case of Rosella Irvin, et. al., is made part of the record in this case.

The evidence shows that said Queen Williams was thirty-eight years old at the date of the application herein and that she is not identified on the Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867, and that said John Anderson, Winton Anderson, Lena Anderson, Maly O. Anderson, Callie Willis, Morris Willis, Rosella Willis, Ellena Willis, Arthur Willis, deceased, Mammie Willis, deceased, William Irvin, Jerrilol Irvin and Marie Irvin, or any of them, are not the descendants of a person whose name appears on said Dunn Roll.

The evidence further shows that said John Anderson, Winton Anderson, Lena Anderson and Maly O. Anderson are the minor children of said Queen Williams and no claim is made that the father of said minor children is entitled to enrollment as a citizen of the Creek Nation; that said Morris Willis, Rosella Willis, Ellena Willis, Arthur Willis, deceased, and Mammie Willis, deceased, are the minor children of said Callie Willis and that no claim is made that the father of said minor children is entitled to enrollment as a citizen of the Creek Nation; that said Jerrilol Irvin and Marie Irvin are the minor children of said William Irvin and that no claim is made that the mother of said minor children is entitled to enrollment as a citizen of the Creek Nation.

It does not appear from the evidence that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor have they, or any of them, ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory.



It further appears from the evidence that the applicants, Queen Williams, Callie Willis and William Irvin are the children of Rosella Irvin; that the other applicants herein are the grandchildren of said Rosella Irvin and that all of the applicants herein claim citizenship in the Creek Nation through said Rosella Irvin, and the records of the Commission show that an application for the enrollment of said Rosella Irvin as a Creek Freedman was denied by the Commission August 3, 1904, and that the decision of the Commission was affirmed by the Department October 18, 1904 (I. T. D. 10142-1904).

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Queen Williams, John Anderson, Winton Anderson, Lena Anderson, Mary O. Anderson, Callie Willis, Morris Willis, Rosella Willis, Ellena Willis, Arthur Willis, deceased, Mammie Willis, deceased, William Irvin, Terril Irvin and Marie Irvin, or any of them, as Creek Freedmen, and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

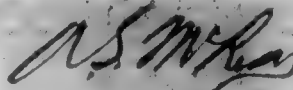
  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,  
APR 20 1905

Muskogee, Ind. Terr. Sept. 16, 1904.

Received one copy of the testimony in the matter of the application  
for the enrollment of Queen Williams, John Anderson, et al, En. No. 649.  
taken by the Commission August 19, 1904.



Attorney for Applicants.

Muskogee, Indian Territory, April 21, 1908.

Queen Williams,

Grayson, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and four minor children, John, Winton, Lena and Maly O. Anderson, and for your brother, William Irvin and his two minor children, Jerrilel and Marie Irvin, as Creek Freedmen, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.  
LK-4-21-104.

D. M.  
Gr. 51143.

Muskogee, Indian Territory, April 21, 1902.

Callie Willis,

Grayson, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, Morris, Rosella, Ellen, Arthur and Mamie Willis, as Creek Freedmen, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.  
IM-4-21-105.

C. H.

Gr. No. 649.

Muskogee, Indian Territory, April 21, 1902.

A. B. McKee,

Attorney for Queen Williams, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Queen Williams and minor children, John, Winton, Lena and Mary O. Anderson, her brother, William Irvin, and his two minor children, Jerrilel and Marie Irvin, as Creek Freedmen, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.  
LM-4-21-105.

*S. M.*  
Gr. No. 642 .

Muskogee, Indian Territory, April 21, 1906.

M. L. Nett,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Queen Williams et al., as Creek Freedmen, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

YM-4-21-106.

Chairman.

*S. L. B.*  
Ex. Bu. 140.

Muskogee, Indian Territory, April 21, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Queen Williams, et al., as Creek Freedmen, including the decision of the Commission dated April 20, 1906.

Respectfully,

Chairman.

Through the Commissioner  
of Indian Affairs.

IM-4-21-107.



G.R.

Department of the Interior,

Washington

I.T.D. 4740-1905  
LRS

June 19, 1905

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

April 21, 1905, you transmitted the record of the application for the enrollment of Queen Williams for herself and her four minor children, John, Winton, Lena, and Maly O. Anderson; Callie Willis for herself and her five minor children, Morris, Rosella, Ellena, Arthur ( deceased), and Mammie( deceased) Willis; Queen Williams for her brother, William Irvin, and his two minor children, Jerrilel and Marie Irvin, as Creek freedmen, including your decision dated April 20, 1905, adverse to all the applicants.

April 29, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision adverse to all the applicants be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and your decision dated April 20, 1905, adverse to all the above-named applicants is hereby affirmed.

Respectfully,

E A Hitchcock

1 inclosure

Secretary

Refer in reply to the following  
Land  
31356-1905

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, April 29, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 21, 1905, transmitting the record of the application made August 19, 1905 for the enrollment as Creek Freedmen by Queen Williams for herself and her four minor children, John, Winton, Lena and Maly O. Anderson; and for her brother, William Irvin and his two minor children, Jerrilel and Marie Irvin; and Callie Willis for herself and her five minor children, Morris, Rosella, Ellena, Arthur ( deceased) and Mammie Willis ( deceased).

April 20, 1905, the Commission decided adversely to all the applicants.

The record shows that Queen Williams was thirty eight years old at the date of her application and that she is not identified on the Dunn Roll and that none of the applicants is a descendant of a person whose name appears on said roll; that no claim is made that the father of any of the minor children is entitled to enrollment as a citizen of the Creek Nation. It does not appear from the record that any of the applicants has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C F Larrabee

Acting Commissioner

M.N.M.  
V.

Cr. No. 649.

Muskogee, Indian Territory, June 29, 1906.

Queen Williams,

Grayson, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of yourself and your minor children, John, Winton, Lena and Mary O. Anderson, and for your brother, William Irvin and his minor children, Terrilel and Marie Irvin, as Creek Freedmen.

Respectfully,

Chairman.

Cr. En. 64.

Muskogee, Indian Territory, June 29, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of Queen Williams et al., as Creek Freedmen.

Respectfully,

Chairman.

Cr.En.649.

Muskogee, Indian Territory, June 29, 1906.

Callie Willis,

Grayson, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of yourself and your minor children, Morris, Rosella, Elena, Arthur and Mammie Willis, as Creek Freedmen.

Respectfully,

Chairman.

Cr. En. 649.

Muskogee, Indian Territory, June 29, 1906.

A. S. McRea,

Attorney for Queen Williams et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of Queen Williams et al., as Creek Freedmen.

Respectfully,

Chairman.

Cr En. 649

J.P.J.

DEPARTMENT OF THE INTERIOR, LID  
WASHINGTON.

I.T.D.4740-1905.  
3029-1906.

March 17, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Referring to departmental letter of June 18, 1905,  
relative to the Creek freedman enrollment case of Queen Williams  
et al., you are advised that a motion for rehearing has been  
filed in said case.

Respectfully,

(Signed) Thos Ryan.  
First Assistant Secretary.



No. 7764.

I.T.D. 2836-1906.  
1333-1906.  
2685- "

JP.FHE.LRS.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, May 8, 1906.

The Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

There is inclosed herewith, for report and recommendation, a motion for rehearing in the Creek freedmen case of Rosella Irvin, et al. filed in the Department February 2, 1906. See sections 1 and 3 of the act of April 26, 1906 (Public No. 129), and departmental letters of October 15, 1904, December 19, 1904, and February 6, 1906.

There is also inclosed, for report and recommendation, a motion for rehearing in the Creek freedman case of Queen Williams, et al. in which the Department, January 19, 1905, affirmed the decision of the Commission to the Five Civilized Tribes adverse to the applicants. It is requested by the attorneys for the applicants that this motion be considered in connection with that in the Rosella Irvin case. Their letter of March 5, 1906, is inclosed.

Respectfully,

Through the Commissioner.  
of Indian Affairs.

(Signed) Jesse E. Wilson,  
Assistant Secretary.

3 inclosures.

Muskogee, Indian Territory, July 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is acknowledged of Departmental letter under date of May 8, 1906, enclosing for report and recommendation a motion for rehearing in the Creek freedman case of Rosella Irvin et al filed in the Department February 2, 1906, also enclosing for report and recommendation a motion for rehearing in the Creek freedman case of Queen Williams, et al in which the decision of the Commission to the Five Civilized Tribes adverse to the applicants was affirmed by the Department. Attorneys for applicants by letter dated March 5, 1906, request that the motion filed in the matter of the application for the enrollment of Queen Williams et al be considered in connection with that in the Rosella Irvin case.

The facts alleged and set forth in said motions as grounds for rehearing differ in no material respect from those upon which the decisions of the Commission under dates of August 3, 1904 and April 20, 1905 are based.

No claim is made by the applicants, nor does it appear from the records in the possession of this office that the applicants or any of them have ever been enrolled as citizens of the Creek Nation, or admitted to citizenship in said nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory.

That portion of the Act of Congress approved April 26, 1906 (Public No. 129) relating to the enrollment of Creek freedmen provides:

SEC.3. That the approved roll of Creek freedmen shall include only those persons whose names on the roll prepared by J.W.Dunn under authority of the United States prior to March fourteenth, eighteen hundred and sixty seven, and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of said roll, and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior."

The Assistant Attorney General for the Department, in an approved opinion dated May 31, 1906, in the matter of the application of Prissie Carruthers for enrollment as a freedman citizen of the Creek Nation (a case analogous in every material respect to the cases of Rosella Irvin and Queen Williams, et al), referring to the provision of law above quoted states " Congress has now made the Dunn roll final and conclusive as to all applicants of this class whose enrollment has not been approved by the Secretary of the Interior."

In view of the facts in the case and of the approved opinion of the Assistant Attorney General above referred to, I would respectfully recommend that the motions for rehearing in the above entitled cases be denied.

Said motions, together with letter from Messrs Donovan & Griesel, attorneys for applicants are returned herewith .

Respectfully,

Tams Bixby  
Commissioner

Through the Commissioner  
of Indian Affairs

Refer in reply to the following:  
Land 64386-1906.

COPY.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

August 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:--

I have the honor to invite your attention to the inclosed letter of July 16, 1906, from Tams Bixby, Commissioner to the Five Civilized Tribes, wherein he acknowledges the receipt of Departmental letter of May 8, 1906, inclosing for report and recommendation a motion for rehearing in the Creek freedman case of Rosella Irvin et al, filed in the Department February 2, 1906; also inclosing for report and recommendation a motion for rehearing in the Creek freedman case of Queen Williams et al, in which the decision of the Commission to the Five Civilized Tribes adverse to the applicants was affirmed by the Department.

Attorneys for the applicants by letter dated March 5, 1906, requested that the motion filed in the matter of the application for the enrollment of Queen Williams et al, be considered in connection with that in the Rosella Irvin case.

The Commissioner says that the matters set forth in the motions as grounds for rehearing differ in no material respect from those on which the decisions of the Commission to the Five Civilized Tribes, under dates of August 3, 1904 and April 20, 1905,

are based, and that no claim is made by the applicants, nor does it appear from the records of his office, that they or any of them have ever been enrolled as citizens of the Creek Nation, or admitted to citizenship in that Nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory.

He quotes that part of the Act of Congress approved April 26, 1906, Public No. 129, relating to the enrollment of Creek freedmen, which provides:

Section 3. That the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J. W. Dunn, under authority of the United States prior to March fourteenth, eighteen hundred and sixty-seven, and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of said roll, and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior.

He refers to the opinion of the Assistant Attorney-General for the Interior Department, dated May 31, 1906, concerning the application of Prissie Carruthers for enrollment as a freedman citizen of the Creek Nation, which he considers to be an analogous case in every material respect to those of Rosella Irvin and Queen Williams wherein the Assistant Attorney-General, referring to the provisions of law above quoted, says:

Congress has now made the Dunn roll final and conclusive as to all applicants of this class whose enrollment has not been approved by the Secretary of the Interior.

In view of the facts in the case and of the contents of the opinion of the Assistant Attorney-General construing the law, the Commissioner recommends that the motions for rehearing in these cases be denied.

It is clear that the law to which the Commissioner refers, which has already been construed by the Assistant Attorney-General for the Department, is a bar to a further consideration of the cases which are the subject of this letter, and I concur in Mr. Bixby's recommendation that the applications for reopening be denied.

Very respectfully,

(Signed) T. T. Louph,  
Commissioner.

KHH-KKK.

100-443887-1

**Figure 1**

14

1897

0171

Reubin Irvin is the father of Queen William. For that reason, the request of attorneys that said cases be considered together is granted.

The record shows that Green Willson was born in Tuma about 1866, is the daughter of Rosella Irvin, who was born in the Creek Nation, Indian Territory, about 1861, was the slave of General McIntosh, afterwards of his daughter, Nettie Willson, a recognized citizen by blood of the Creek Nation, and was taken by the McIntosh family to Tuma, prior to the civil war. Rosella Irvin claims to have returned to the Creek Nation when 15 years old, in the summer of 1868, "when they made the June roll," in search of her mother, Jennie Redman, from whom she had become separated, stayed shorter four months, and then returned to



Went to her husband, David Williams. In the spring of 1867 her husband, with appellant's brother, James Madison, started to return to the Creek Nation, with whom she intended to return, but was refused.

In the spring of 1868 Beaula Irvin, with her husband, Allen Irvin, started to the Creek Nation, reached the Chickasaw Nation, where they stayed three years and on account of their poor only did not reach the Creek Nation, Indian Territory, until 1871, since which time they have resided there.

Beaula Irvin claims to have left the matter of her tribal enrollment to her brother, James Madison, who had her name put on the Arkansas land roll, which is not shown. The name of her brother, James Madison, is not on the Dismal roll, but he was specially admitted to citizenship by act of the Creek Council in 1867. Nothing in the name of Beaula Irvin upon the Dismal roll nor that of her daughter, Susan Williams.

Beaula Irvin, though she may have been in the Creek Nation at the time of the making of the Dismal roll, as claimed, and might have been entitled to enrollment in conformity with the approved opinion of the Assistant Attorney-General of October 22, 1868 (I.T.T. 12404), in the Creek Freedmen case of Joe Harrison, even though her name was "omitted from the Dismal roll and tribal rolls,"

That the aforesaid roll of freed persons shall include only those persons whose names appear on the roll ordered by J. E. Hall, Governor of the United States prior to their emancipation, in each State and sixty seven, and their descendants in the said said roll and race, and that inheritance is to be made in the said roll subsequent to the date of the preparation of said roll, and their descendants are not to be admitted, except such, if any, as have borne arms for and in support of the rebellion as ordered by the Secretary of the Interior.

Inasmuch as the record fails to show that neither the name of Susie Green (or Green), the mother, nor that of her daughter, Green William, is found upon the Green roll, nor have they been admitted to citizenship by any recognized authority, in accordance with the decision of the Assistant Attorney-General in the case of Private Carmichael (IRM. 1044-06), neither she nor her daughter, or those claiming through them are now entitled to enrollment.

A copy of Indian Office letter of August 17, 1906, recommending the above action, is herewith forwarded.

You will advise applicants and their attorneys of this action.

The separate records in each case have this day been re-  
turned for the Files of the Indian Office.

Respectfully,

(Signed) Mrs. Ryan,

**First Assistant Secretary.**

Through the Commissioner  
of Indian Affairs.  
1 Inc. and 11 to Ind. Of.

CP.En.649.

CM

Lawhoge, Indian Territory, January 24, 1907.

Callie Willis,

Grayson, Indian Territory.

Dear Madam:

You are hereby advised that under date of January 14, 1907, the Department denied motion for rehearing filed in the matter of the application for the enrollment of yourself and minor children as Creek freedmen.

Respectfully,

Commissioner.

Gr. <sup>En</sup> Mem. 249

62

Muskogee, Indian Territory, January 24, 1907.

Queen Williams,

Grayson, Indian Territory.

Dear Madam:

You are hereby advised that under date of January 14, 1907, the Department denied motion for rehearing in the matter of the application for the enrollment of yourself and others as Creek freedmen.

Respectfully,

Commissioner.

Op. 21. 849.

82

Muskogee, Indian Territory, January 23, 1907.

Mr. L. Mott,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

SIR:

You are hereby advised that under date of January 14, 1907, the Department denied motion for rehearing in the matter of the application for the enrollment of Queen Williams et al. as Creek freedmen.

Respectfully,

Commissioner.

U.S. PA: AAG.

CH

Wichita, Indian Territory, January 24, 1907.

A. P. Moran,

Attorney at Law,

Wichita, Indian Territory.

Dear Sir:

You are hereby advised that under date of January 14, 1907, the Department denied motion for rehearing filed in the matter of the application for the enrollment of Queen Williams, et al. as Irish Freedmen.

Respectfully,

Commissioner.

CR EN 650

CR EN 650



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, T. T., August 22, 1904.

In the matter of the application for the enrollment of Susie Richardson et al., as Creek Freedmen.

APPEARANCES: K. L. Mott Attorney for Creek Nation!

SUSIE RICHARDSON, being duly sworn, testified as follows:

By Examination:

Q What is your name? A Susie Richardson.  
Q How old are you? A thirty-three years old.  
Q What is your post office address? A Fry.  
Q Do you make application to be enrolled as a Creek Freedman? A Yes, sir.  
Q Have you got any children for whom you wish to apply? A Yes, sir.  
Q What is the name of the eldest? A Sylvester Richardson.  
Q How old is he? A Fifteen.  
Q What is the name of the next? A David Richardson.  
Q How old is he? A Fifteen.  
Q What is the name of the next? A Phil Mose.  
Q How old is he? A Fourteen.  
Q What is the next? A Josephine.  
Q How old is she? A Twelve.  
Q What is the name of the next? A Mamott.  
Q How old is he? A Eleven.  
Q What is the next? A Mallicher.  
Q How old is he? A Eight.  
Q What is the name of the next? A Roosevelt.  
Q How old is he? A Six.  
Q Are these children, that you have named, all living? A Yes, sir.  
Q All alive and living with you? A Yes, sir.  
Q What is the name of their father? A Sam Richardson.  
Q Is he living or dead? A Living.  
Q Do you claim that he has any rights in the Creek Nation? A No, sir.  
Q State man is he? A Yes, sir.  
Q To what town do you claim to belong? A Hitchitee..  
Q Did you ever draw any money from the Creek Nation? A No, sir.  
Q Where do you live now? A I live at Fry.  
Q Do you live in the Creek Nation? A Yes, sir.  
Q How long have you lived in the Creek Nation? A Three years.  
Q Where did you come from? A Texas.  
Q Did you live in Texas all your life until you came to the Creek Nation three years ago? A Yes, sir.  
Q What is the name of your father? A Thomas Hicks.  
Q Is he living or dead? A Dead.  
Q Where did he die? A In Texas.  
Q Do you claim that he is a citizen of the Creek Nation? A Yes, sir.  
Q Is he the one you claim through? A Yes, sir.  
Q Is your mother a state woman? A Yes, sir.  
Q To what town in the Creek Nation did your father belong to? A Hitchitee.  
Q Was he a slave? A Yes, sir.  
Q Was he carried to Texas during the War? A No, sir. Was here until three years after.  
Q Until three years after the War? A Yes, sir.  
Q Did you ever draw any money from the Creek Nation? A No, sir.

Wm. Richardson et al., vs. Wm. Richardson et al.

Q Did your father ever go by any other name? A Yes, sir, he went by the name of Thomas Richardson. Q Now when he was living, did he go by the name of Thomas Richardson? A Yes, sir.

The Dunn Roll examined and the name of Thomas Richardson not found thereon.

Q How long has your father been dead, as near as you can come at it? A I think he has been dead near fifteen years. Q Have you been married more than once? A No, sir. Q How long have you been married? A Been married nearly seventeen years.

The 1890 Authenticated Tribal Roll of the Creek Nation examined and none of the applicants herein identified on said roll.

The 1891 Omitted Roll examined and none of the applicants herein identified thereon.

The 1890 and the 1890 Omitted Rolls of Creek Nation examined and none of the applicants herein identified thereon.

Q You were born in Texas were you? A Yes, sir.

This case is continued for further testimony.

-----

I, Drennan C. Shaggs, on oath state that the above and foregoing is a full and complete transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Shaggs

Subscribed and sworn to before me November 18, 1904.

Edward H. Harris  
Notary Public

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, MS., Oct. 4, 1904.

Mr. GMI

In the matter of the application for the enrollment of Susie Richardson, et al., as Creek Freedmen.

Nellie Prince being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Nellie Prince.  
Q How old are you? A I can't tell my age.  
Q An hour as you can come at it? A I came from Alabama and I can't tell it.  
Q An hour as 50 or 70 years old? A Yes sir, might be, I don't know my age.  
(Witness appears to be 50 or 70 years old.)  
Q What is your post office address? A Hubbard.  
Q You are a citizen of the Creek Nation, are you? A Yes sir.  
Q Do you know Susie Richardson? A Yes sir.  
Q How long have you known her? A Well, I think it's about 2 years.  
Q Where did you get acquainted with her? A After they came from Texas, the  
Nishite Indians had sold her there in Texas.  
Q When was that he was sold in Texas? A Before the war when they were  
selling captured folks all the time.  
Q He was at that time the slave of a Creek Indian, was he? A Yes sir.  
Q And that man sold him to some man in Texas? A Yes sir.  
Q Did that happen before the war? A Yes sir, way before.  
Q Did he ever come back here in 1865 after that? A No sir never came back,  
he died in Texas.  
Q Did you know Susie's father? A No sir, I didn't after they sold him from  
here he went and had a wife in Texas, I didn't know her.  
Q What was Susie's father's name? A Well, you know they sold him and I  
don't know his mother.  
Q What was his name when he was here? Her father? A I can't tell you, then-  
he belongs to the Nishite and I forgot his name.  
Q Do you know his given name? A Nick is the first name.

Abe Prince being sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Abe Prince.  
Q How old are you? A About 60 years old.  
Q What is your post office address? A Hubbard.  
Q You are a citizen of the Creek Nation? A Yes sir.  
Q Do you know Susie Richardson? A Yes sir.  
Q How long have you known her? A About 2 years.  
Q Do you know where she came from when she came to this country? A She  
came from Texas.  
Q Did you know the man that she says was her father? A Yes sir.  
Q He is now dead? A Before the war.  
Q Did he go out of the country before the war? A Yes sir.  
Q How came he to go? A Sold out.  
Q Was he at that time the slave of a Creek citizen? A Yes sir.  
Q Did he ever come back here to live after he was sold out? A Not as I know  
of.  
Q Do you know anything further about this matter that would be of any ser-  
vice? A All I know about it I am telling you right now.  
Q The questions I have asked you and the answers you have given is all you  
know about it, is it? A Yes sir.

Q What is the name of the man who says was her father? A Tom Haines.  
Q Did he ever go to any other place that you know of? A Tom Haines.  
Q And was he? A Tom Haines.  
Q Is your name on the Durn Roll? A Yes sir.  
Q According to what you say, he was not here when the Durn Roll was made?  
A Yes, he wasn't here at all.

The Durn Roll is further examined and the father of the principal applicant herein not identified on that roll.

\*\*\*\*\*

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above exam and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 15 day of November, 1904.

Thompson C. Hays  
Notary Public.

*P. L.*

En. 680

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Musie, Sylvesta, Davis, Phil Mose, Josephine, Emmett, Malicher and Roosevelt Richardson as Creek Freedmen.

- I D E C I S I O N -

The record in this case shows that on August 22, 1904, Musie Richardson appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her seven minor children, Sylvesta, Davis, Phil Mose, Josephine, Emmett, Malicher and Roosevelt Richardson as Creek Freedmen. Further proceedings were had October 4, 1904.

The evidence shows that said Sylvesta, Davis, Phil Mose, Josephine, Emmett, Malicher and Roosevelt Richardson are the minor children of Musie Richardson; that said Musie Richardson is not the descendant of a person whose name is found on the Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867, and that no claim is made that the father of said minor children is entitled to enrollment as a citizen of the Creek Nation.

It does not appear from the evidence that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor have they, or any of them, ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of this Commission that there is no authority of law for the enrollment of said Musie Richardson, Sylvesta Richardson, Davis Richardson, Phil Mose Richardson, Josephine Richardson, Emmett Richardson, Malicher Richardson and Roosevelt Richardson, or any of them, as Creek Freedmen and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory  
MAR 1 - 1905

*[Signature]*  
CHIEF  
*[Signature]*  
COMMISSIONER  
*[Signature]*  
COMMISSIONER

2 JYN  
OF HM 680

Muskogee, Indian Territory, March 2, 1906.

Miss Richardson,

Fry, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for enrollment of yourself and minor children, Sylvia, Davis, Phil Mose, Josephine, Emmett, Malcher and Roosevelt Richardson, as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Respectfully,  
JYN-2-6.



OF AN 650

Muskogee, Indian Territory, March 2, 1900.

M. L. Kett,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Noble Richardson, et al. as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

JN-M-V.



COPY.

Or An 650

Muskogee, Indian Territory, March 2, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Eugie Richardson, et al., as Creek Freedmen, including the decision of the Commission, dated March 1, 1905, denying said application.

Respectfully,

*C. R. Brockinridge.*

(SIGNED)

Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.

JYM-A-10.

COPY.

OF AN 880

Muskogee, Indian Territory, March 2, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Euseb Richardson, et al., as Creek Freedmen, including the decision of the Commission, dated March 1, 1906, denying said application.

Respectfully,

*C. R. Brockhardt*

(SIGNED)

Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.

JYM-E-10.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

WOF

April 10, 1906.

1,791 2648-1905  
C A B

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Germienoni

March 8, 1906, you transmitted the record in the matter of the application for the enrollment of Susie Richardson and her minor children, Sylvester, Davis, Phil Mose, Josephine, Emmett, Mallicher and Roosevelt Richardson, as Creek Freedmen, including your decision of March 1, 1906, which was adverse to the applicants.

Reporting March 14, 1906, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision, in so far as it rejects the applicants, is hereby affirmed.

Respectfully,

THESE

Adm ing Secretary

1 inclosure

Refer in reply to the following  
17769-1905 <sup>Land</sup>

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington, March 14, 1908

The Honorable,  
The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated March 2, 1908, transmitting the record of the application, made August 22, 1904, for the enrollment as Creek Freedmen by Susie Richardson for herself and her seven minor children, Sylvesta, Davis, Phil Moss, Josephine, Emmett, Malicher and Roosevelt Richardson.

March 1, 1908, the Commission decided adversely to all the applicants.

The record shows that Susie Richardson is not the descendant of a person whose name is found on the Dismal Roll and no claim is made that the father of her minor children is entitled to enrollment as a citizen of the Creek Nation. It does not appear that any of the applicants has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very Respectfully

M.M.M.(W)

O. F. Larrabee  
Acting Commissioner

*A.S.*  
Gr. No. 680.

Muskogee, Indian Territory, April 21, 1908.

Bubie Richardson,  
Troy, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of April 10, 1908, affirmed the decision of the Commission to the Five Civilized Tribes, dated March 1, 1908, denying the application for the enrollment of yourself and your minor children, Sylvester, Davis, Phil Moss, Josephine, Emmett, Malcher and Roosevelt Richardson, as Creek Freedmen.

Respectfully,

Chairman.

D. D.  
Cr. In. 850.

Muskogee, Indian Territory, April 31, 1906.

M. L. Mott,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of April 10, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, dated March 1, 1905, denying the application for the enrollment of Susie Richardson and her minor children, Sylvesta, Davis, Phil Moss, Josephine, Emmett, Malicher and Roosevelt Richardson, as Creek Freedmen.

Respectfully,

Chairman.

I, W. J. Sullivan upon oath, state that on this 25th. day of June 1906 I mailed to the Attorney for the Creek Nation copy of the within motion and affidavit, in the case of Basic Richardson for enrollment as A Creek Freeman, taking a registry receipt therefor which same is herewith enclosed.

*W. J. Sullivan*

United States Court  
Indian Territory.  
Western District.

ss.

Subscribed and sworn to before me this 25th. day of  
June 1906.

*Seal*

My Commission expires

*James R. Hays*

Notary Public.

*June 13 1908.*



Copy

RECORDED IN 600.

IN THE MATTER OF THE ENROLLMENT OF SUSIE RICHARDSON, ET AL.,  
AS CREEK FREEDMEN.

Motion to re-open and re-hear.

Comes now Susie Richardson, principal applicant herein, and for her cause of complaint, states that she was an applicant before the Dawes Commission for herself and family, for enrollment as Creek Freedmen, that her said application was denied by said Commission and later said denial was approved by the Secretary of the Interior. That for the reasons hereinbefore set out and which will hereinafter appear, she asks that her said case be re-opened and a re-hearing be had;

That, Tom Hicks her said father and a Creek freedmen, was also known as Tom Marshall and as such latter, is on the Dawn Roll, made in 1867.

That, he was in the Creek Nation during and for three years after the Rebellion closed.

That, if an opportunity be given she can prove the foregoing facts.

Signed Susie Richardson

United States Court.  
Indian Territory. } SS.  
Western District. }

Subscribed and sworn to before me this Sunday of  
June 1906

Signed Wm. C. Wood  
Notary Public.

My Commission expires

June 29-1908

Copy

IN THE MATTER OF THE APPLICATION OF SUSIE RICHARDSON, ET AL.,  
No. 650, FOR CITIZENSHIP AS CREEK INDIANS.  
\*\*\*\*\*

Come now Annie Hedges, who being first duly sworn, upon her oath doth say, that, she is 48 years old, a resident of Muskogee, Indian Territory, that she knows Susie Richardson, that she is her sisters child by one Tom Hicks, or as he was sometimes known as Tom Marshall, a Creek Freedman, that the reason that he was known by both names, was, first his masters name was Marshall and later in order to locate his sister whose name was Hicks he assumed that name in order that he might more easily locate her, for whom he was then in search. That he married my sister some time after the war in Texas and later returned to the Creek Nation in quest of his sister. That I am not and do not claim citizenship in the Indian Territory, and have no interest in this case other than justice may be done.

Annie Hedges

Tested before me at  
Indian Territory,      SA,  
Western District.

Subscribed and sworn to before me this 22nd.  
day of June 1908.

Alvin C. Wood  
Notary Public.

My Commission expires

JUNE 29 1908

W.J.Sullivan,  
Attorney at Law, Muskogee, Ind.Ter.  
Oklahoma Building.

June 25th, 1906.

The Honorable,

Commissioner to the Five Civilized Tribes.

Muskogee, Indian Territory.

Sir:-

Enclosed please find motions and affidavits, together with  
registry receipts of mailing to the Attorneys for the Nation in the  
following cases:

	Cherokee	
Mariah Lewis et al.		Cher.Freed.D.1051-1053-1055.
Richard Vann et al.	do do	D.1338.
Alexander Keys	do do	M.104.
George Bell et al.	do do	D.706-1021.
Peter Harnage et al.	do do	R.180.
Laura Gross et al.	do do	D.46-1041-1042-1043
Julia Vann (application denied)	do do	(too late)
Laura E.Akin et al.	do blood	M. 37 (37)
Wm. C.Troglin, et al.	do blood	M. 163.(rejected)

Mississippi Choctaw.  
Cornelia Presley et al.

M.C.R.5942.

Chickasaw Freedman.  
Delia Mathews 19-1062-3.

Creek Freedman.  
Susie Richardson et al. Creek En. 650.

Yours respectfully,

W .J.Sullivan.

Indorsed as follows:

Commissioner to Five Tribes, No. 25957 Received Jun 25, 1906. W.J.  
Sullivan, Muskogee, I.T.Creek Nation, June 25, 1906. Transmits  
motion and affidavits showing service in certain Cherokee cases.

Gr.Mn.640.

Muskogee, Indian Territory, August 9, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of April 10, 1905 (I.T.D.2648-1905), affirmed the decision of the Commission to the Five Civilized Tribes, dated March 1, 1903, denying the application for the enrollment of Susie Richardson and her minor children, Sylvesta, Davis, Phil Nose, Josephine, Russell, Malicher and Roosevelt Richardson as Creek freedmen.

There is inclosed herewith motion to reopen and rehear said cause, together with affidavit, filed with this office June 25, 1906. There is also inclosed proof of service of copy of said motion upon the attorney for the Creek Nation.

The statements set forth in said motion as grounds for rehearing are:-

That, Tom Hicks her said father and a Creek freedman, was also known as Tom Marshall and as such latter, is on the Dunn Roll, made in 1867.

That, he was in the Creek Nation during and for three years after the Rebellion closed.

That, if an opportunity be given she can prove the foregoing facts."

Ample time and opportunity was afforded the applicants for the introduction of further evidence between August 22, 1904, the date on which original application was made for enrollment, and March 1, 1905, the date on which decision was rendered in said cause. It is not set out in said motion as to the reason such evidence was not introduced at the former hearings had in this matter.

The statements that Tom Hicks, the father of the principal applicant, was also known as Tom Marshall and that he was in the Creek Nation during and for three years after the Rebellion closed, are at variance with the evidence previously submitted in the case. In previous testimony it appears that the father of the principal applicant was known under the names of Tom Hicks and Tom McIntosh and no claim was made that he went by any other name.

In proceedings had October 4, 1904, Abe Prince, a witness on behalf of applicants, testified that Tom Hicks, the father of the principal applicant, was not here when the Dunn roll was made. No attempt is made in said motion to account for this contradiction.

The evidence shows that Susie Richardson, the principal applicant, was born in the state of Texas and continuously resided in said state until the year 1901.

The Department under date of June 20, 1906 (I.T.D. 5902, 10098-1906), in the matter of the application for the enrollment of Louisa Tunnell, et al., as citizens of the Creek Nation (a case analogous in every material respect to that of Susie Richardson, et al.), held that "by section 1 of the act of the Creek National Council approved April 26, 1866 (see Constitution and Laws of the Muskogee Nation, 1890, page 177), she is declared to be an alien, not entitled to citizenship in the Muskogee Nation or to any of the privileges thereof".

In view of the above provision, I am of the opinion that even were it established by evidence that the principal applicant is the descendant of a person whose name appears upon the roll of Creek freedmen made by J. W. Dunn prior to March 14, 1867, she would not be entitled to enrollment as a Creek freedman, and I respectfully recommend that said motion to reopen and rehear said cause be denied.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Commissioner.

I.T.D. 17186-1906.

JFJR:LLB  
JP

DEPARTMENT OF THE INTERIOR,

WASHINGTON, October 19, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On September 11, 1906 (Land 7321), the Indian Office transmitted your report dated August 9, 1906, in reference to a motion for a reopening and rehearing of the application of Susie Richardson, et al., for enrollment as Creek freedmen.

You recommend that said motion be denied.

A consideration of the record, together with the statements set forth in said motion, in view of section 1 of the act of Creek National Council approved April 26, 1889 (see Constitution and Laws of the Muskogee Nation, 1890, page 177), shows that no sufficient reason has been alleged to warrant the reopening of the case. Said motion is therefore denied.

The papers have been returned for the files of the Indian Office.

Respectfully,

B.A. Hitchcock,

Secretary.

Through the Commissioner  
of Indian Affairs.

6 inclosures to Ind.Of.



Muskogee, Indian Territory, November 6, 1906.

W. J. Sullivan,

Attorney At Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that the Department under date of October 19, 1906, denied the motion for rehearing, filed with this office June 25, 1906, in the matter of the application for the enrollment of Susie Richardson, et al., as Creek Freedmen.

Respectfully,

Commissioner.

Muskogee, Indian Territory, November 6, 1906.

Susie Richardson,

Fry, Indian Territory.

Dear Madam:

You are hereby advised that the Department under date of October 19, 1906, denied the motion for rehearing, filed with this office June 25, 1906, in the matter of the application for the enrollment of Susie Richardson, et al., as Creek Freedmen.

Respectfully,

Commissioner.

En. 650.

On. Docket.

File in Enrollment  
Case # 650.

John Richardson

Muskogee, Indian Territory, November 9, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of October 19, 1906, denied the motion for rehearing, filed with this office June 25, 1906, in the matter of the application for the enrollment of Susie Richardson, et al., as Creek Freedmen.

Respectfully,

Commissioner.

CR EN 651

CR EN 651

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Kuskogee, I. T., August 22, 1904.

In the matter of the application for the enrollment of Mary Canard, deceased, as a Creek Freedman.

APPEARANCES: M. L. Mott Attorney for Creek Nation:

PHILLIS FRANKLIN, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Phillis Franklin.  
Q How old are you? A My mother says I was about three years old when the War come up.  
Q What is your post office? A Oktaha.  
Q Do you want to make application for the enrollment of Mary Canard? A Yes, sir.  
Q As a Creek Freedman? A Yes, sir.  
Q Are you the mother of Mary Canard? A Yes, sir.  
Q To what town did she belong? A Arkansaw.  
Q Is she living or dead? A Dead.  
Q What is the name of her father? A George Turner.  
Q Was he a citizen of the Creek Nation? A No, sir.  
Q How came her name to be Canard? A They gave it in Canard.  
Q To what town did your husband belong? A I don't know but he does.  
Q Do you know Sam Harry? A Yes, sir.  
Q Did you ever live with Sam Harry? No response.  
Q How long has you name been Franklin? A Before I filed.  
Q How long before that was it? A My name was Franklin the last payment the Creeks had.  
Q When did Mary die? A I don't know.  
Q Did you come and file on your own land? A Yes, sir.  
Q Was Mary dead then or living? A Dead.  
Q How long had she been dead when you filed? A Near about five years.

ALFRED SEARS, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Alfred Sears.  
Q What is your age? A Forty.  
Q What is your post office address? A Fort Towson.  
Q Is that in Oklahoma? A Choctaw Nation.  
Q Are you a citizen of the Creek Nation? A No, sir. Not the Creek Nation.  
Q Do you know Phillis Franklin? A Yes, sir.  
Q Did you ever live in the Creek Nation? A Yes, sir. Been here and in the Choctaw Nation all my days.  
Q Do you know a child of hers named Mary Canard? A Yes, sir.  
Q She is dead is she? A Yes, sir.  
Q How old was she when she died? A I don't know exactly.  
Q About how old was she? A Near grown---Yes, sir, she was grown.  
Q About what was her age? A Eighteen or twenty. May be more or less.  
Q Do you know when that girl died? A It was on a Saturday, November 11, 1899.  
Q What fixes it in your mind that it was on that date? A I have a family record and when she died---I didn't go to the funeral and I had a birth and taken her death.

Mary Canard--2.

- Q Is she any kin to you? A Just a distant relation.
- Q How far did you live from her when she died? A About eighteen or twenty miles. I was here the time she died and had to go to Checotah that night.
- Q Do you know of any reason why Phillis Franklin didn't apply for this child when she applied as that child was living? A I think she didn't know it could be enrolled and the child was away from her.
- Q Phillis Franklin was enrolled before you say that child was dead?
- A I don't know exactly how that is. She didn't attend to the business and I don't know why she cut her out.
- Q Has she got a child named Judy Johnson? A Yes, sir.
- Q Has she one named Silvia Jackson? A Yes, sir.
- Q And one named Sissie Franklin? A Yes, sir.
- Q Now she applied for these children and had them enrolled when she enrolled herself. If that other child was living do you know of any reason she didn't apply for it? A I couldn't give you a reason. I know she is a woman that don't know a great deal and can't tell you why she left it off and don't think she could tell you. I always keep a list of the deaths.
- Q Have you that list with you? A No, sir.
- Q Is that written with a pen or pencil? A Written with a pencil.
- Q All of the whole list? A Yes, sir.
- Q When did you make that list? A Years ago. I used to teach school down here at Elk Creek.
- Q It don't matter about your teaching school? A yes, sir.
- Q Did Phillis ever go by any other name except Franklin? A She was a Grimmit before she was married the first time.
- Q How long has she been known as Franklin? A About twenty years.
- Q Was she ever known as Jane? A I don't think I ever heard any one call her that. She has a sister named Jane.
- Q She has got a daughter named Sissie? A Yes, sir.
- Q What is the name of sisie's father? A John Davis.
- Q What is the name of Silvia Jackson's father? A His name was Jackson.
- Q Was it Green Jackson? A Yes, sir.

On Old Freedmen Census Card, Family No. 279, is found the name of Silvia Jackson and it appears from a notation thereon that she is the daughter of Green Jackson. On the same card is found the name of Sissie Davis and it appears from a notation thereon that she is the daughter of John Davis.

This card was made in 1898. The name of Mary Canard does not appear thereon, nor any name answering for her.

On Creek Freedman Card, Field No. 847, among others, is found the names of Silvia Jackson and Sissie Franklin. It appearing that the father of said Sissie Franklin is John Davis and her mother Phillis Franklin. This Sissie Franklin and the Sissie Davis on the old Creek Census Card referred to are identified as one and the same person.

The name of Mary Canard is not found on either of said cards.

- Q What was the name of Mary Canard's father? A I think it was George Turner.
- Q How did she get the name of Canard? A She was staying here with her aunt and her aunt's husband was named Canard.
- Q What was the name of that Canard that she lived with? A Sam.
- Q Was he a Freedman? A I think he was a Freedman. He looks like an Indian.
- Q What name did this child go by? A Mary Canard.
- Q Did she have any other name besides Mary? A Not that I know of.
- Q Who did she live with? A Sam Canard.
- Q Who was Sam Harry? A That is the man.
- Q That is the sam man? A Yes, sir.



Mary Canard--3.

Q Did she live with Sam Harry until she died? A I think she did. Must have been there when she died.

Old Creek Census Card No. 984 is examined and Sam Canard identified thereon, ~~was~~ no other person appearing on that card. This card was made in 1898.

The records of the Commission examined and it appears that Phillis Franklin made application for an allotment of land in the Creek Nation July 27, 1900.

Q Can you get that record here that you spoke of? A Yes, sir. I can send for it.

Q Births and deaths? A Yes, sir.

Q Who wrote that in there? A I did. I can send it right to you.

Q I want you to bring it? A I can do that.

The applicant is very deaf and it is exceedingly difficult to secure her testimony. The witness, Alfred Sears, is advised that the Commission desires to have produced before it the list of births and deaths to which he refers in his testimony.

The 1890 Authenticated Tribal Roll of the Creek nation examined and Mary Franklin identified thereon in Arkansas Town, Page 35, with the following notation: "Paid in Nuyaka Town." She is also identified on that Roll, at Page 151, Nuyaka Town, under the name of Mary Ann Kennard.

Q Was this girl ever known as Mary Manuel? A I never heard her called that.

She is also identified on the 1895 Pay Roll of the Creek Nation, Arkansas Town, No. 1534.

By M. L. Mott:

Q Where were you when Mary Canard died? A Here in Muskogee.

Q How long after she died before you were down there? A I have not been down there. Some parties told me she was dead and that was on Saturday, November 11, 1899, I remember it good.

Q When was the next time you were down there? A Well, it was about a month after that.

Q When did you put down the time she died? A I put it down the same night. I got news that she was dead and I put it down that night because the mother always asked me to.

Q Have you got a list of the deaths of all your relatives? A Yes sir.

Q How many have you got down do you suppose? A I suppose there is about 12 or 13.

Q Is that all the kin folks you have? A That is all I claim.

Q Do you claim cousins and all? A Yes, sir.

Q Have you any brothers and sisters? A No, sir.

Q Any nephews? A No, sir.

Q Any nieces? A No, sir.

Q What kin folks have you? A Cousins.

Q How many cousins have you? A About 12. People say I have more but I don't claim them.

Q You have got down the births and deaths of those you claim? A Yes, sir.

Q Got them down? A Yes, sir.

Q In what kind of a book? A In a journal.

Q Not in the Bible? A No, sir.

Q Why didn't you keep it in the Bible? A My Bible was not large enough.

Q What is your business? A I am a preacher.

Q Have you got a Bible that has a place for the births and deaths? A Yes, sir, but it was an old one.

Q You are a preacher? A Yes, sir.

Q And don't keep them in the Bible but put them down in a note book? A Yes, sir, a journal.

Mary Canard--3.

- Q One that the merchants use? A No, sir.
- Q Do you know when the mother of Mary came to file? A I was away when she filed.
- Q Didn't you ever talk to her about it? A No, sir.
- Q Didn't you ever talk to her about it since? A No, sir. She talked to me about it.
- Q How came you to be a witness in this case? A Because they asked me when she died and I told them I knew and they asked me to testify when they got the coffin---
- Q Who come after the coffin? A I don't know the man.
- Q Did the man step up to you and say that he come after the coffin? Now, I heard him telling them. I don't know his name. And he was asked by a frier there, who was dead and said Mary Canard and I taken down the day Mary Canard died. I went down to Checotah and was telling it down there.
- Q How far is it from here to whers she died? A Eighteen or twenty miles.
- Q What time in the day was it you saw this man? A It was a little before train-time. I was going down to Checotah on the flier.
- Q 12 o'clock? A It was 12 o'clock. It was a little later.
- Q You say that a man, you didn't know, come here, come 18 miles from here and you say he come after a coffin? A Yes, sir.
- Q Who sent that man after a coffin? A Must have been Canard. I will produce the man that come after the coffin.
- Q Why didn't you ask the man's name? A Well there was a big crowd there and I knew the girl and thought I would go down and tell it and notify their kin folks down there.
- Q Why didn't you ask him when she was going to be buried? A I knew that I couldn't go.
- Q Why didn't you go and ask him what she died with? A Well I didnt have time.
- Q Did you know she had been sick? A No, sir.
- Q You knew that one of your kin folks was dead and you were as close as anyone else and you heard a man say she was dead and you didn't ask him what she died with or when she was to be buried? A No, sir, I didn't ask him any questions at all.
- Q You heard him say that and didn't know who he was? A I don't know his name but I know the man. I can produce him.
- Q Why didn't they bring you as a witness when they enrolled the others? A You will have to ask them, I don't know.
- Q Was this girl dead or alive when the old woman filed? A She must have been dead when she filed. I don't know.
- Q She must have been dead when she filed? A Must have been I don't know.
- Q Why? A It looks like she would have said something about it.
- Q Did you hear Mr. Beavers state to the stenographer and read from a card that she filed in July, 1900? A I don't remember that.
- Q Are you certain it was the 11th of November? A Yes, sir.
- Q Why are you certain it was the 11th day of November? A Because there was a man killed at Checotah and one at Okmulgee.
- Q You said you didn't recall it and wanted to put it down and see what it was? A I don't remember.
- Q What do you say it was now? A The best evidence I have is that there was a man killed the same night.

By Commission:

- Q Who was that? A Mr. Keese and one killed at Okmulgee.
- Q What was his name? A Josh Tobler and one of the boys that was shot was named Ben something.

By N. L. Mott:

- Q Did you put it down because you cared enough about her? A Yes, sir.
- Q Is that the reason you know and say it was the 11th, because you thought enough of her? A Yes, sir.

Mary Canard--5.

Q You thought enough of her to put down the date but didn't think enough of her to ask what killed her or when she was going to be buried? A I was down here---

By Commission:

Q Do you know when Mary was born? A Yes, sir. I got it down when she was born.

Q When was she born? A Must a been 1870 something.

Q Have you looked at that list recently? A Looked at it this year.

Q What was your cause of looking at it? A Some other kin people sent me a death of the family.

Q Who was that? A Willie Jackson.

Q When did that child die? A Infant born in 1902 and died this year.

Q What month and day? A I just couldn't tell you that now.

Q Why is it you remember about Mary and don't remember about that one? A He was an infant and I don't remember.

Q Have you got a good many records of the deaths down there? A Yes, sir.

Q Can you name the deaths of any others? A Name death of Polly Smith.

Q When did she die? A May 14, 1900.

Q They are all kin folks of yours are they? A Yes, sir.

Q Why is it you can't remember the rest of them? A I do remember Polly.

Q Why can't you remember the rest of them? A I can remember Mandy Jackson.

Q When did she die? A June 15, 1901.

Q That jurnal contains the names you have spoken of? A Yes, sir.

By M. L. Kott:

Q When they told you that they wanted you as a witness in this case did you examine that jurnal? A No, sir.

Q What date was Mary Canard born? A Born April 10, what year? A 1875.

Q How old was she? A I can't tell it now.

Q Born April 10, 1875 how old was she? A Living now she would be about 27 or '8 years old.

Q You are certain of that are you? A Yes, sir, pretty certain of it.

Q How old did you say that girl was when she died? A Must been 18 or 20. You see she died in 1899.

---:000:---

I, Drennan C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

*Drennan C. Skaggs*

Subscribed and sworn to before me this September 16, 1904.

*Edward Morris*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 22, 1906.

In the matter of the application for the enrollment of Mary Canard as a Creek.

Albert Sears, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Albert Sears.  
Q What is your age? A 42.  
Q What is your postoffice address? A Checotah.  
Q You are a preacher, are you? A Yes sir.  
Q Do you know Phyllis Franklin? A Yes sir.  
Q Do you know a daughter of hers named Mary Canard? A Yes sir.  
Q Is Mary living or dead? A Dead.  
Q How long have you known her? A I have known her--well, all her days.  
Q Did you live near her? A Well, no sir; her mother lived in one neighborhood; she in another and Mary Canard's aunt raised her, Rose Canard.  
Q Does she go to your church? A I go to their church sometimes.  
Q How long ago did she die? A It will be six years this coming November.  
Q How do you remember the date of her death? A I keep the day of her death given me by the parties that lived where she did live.  
Q How long after she died did you put it down? A She died on Saturday; I put it down Saturday night, of same day--I guess the next day.  
Q Got the information by letter? A Individual came in and reported. Henry Johnson came in and reported.  
Q Henry Johnson a relative of hers? A No sir.  
Q You say you have it put down in a book? A Yes sir.  
Q Have you that book with you? A Yes sir.

The witness presents a day-book in which are written the dates of the birth and death of a number of persons. On a loose leaf, which appears to be a part of the book presented, appears the following record:

Phyllis Franklin--Family Record.

Mary Canard was born April 10, 1875; died November 11, 1899.

Following that appears: Josie Franklin: was born May 23, 1877;

Sylvia Franklin was born April 6, 1879;

Lattie Franklin was born July 17, 1881.

Between each entry is a space of about two lines.

- Q When did you write down the dates of the birth of these Franklin people? A About 18 or 20 years ago in another book. That old book came to pieces ~~xxxxxxxxxxxx~~ like this one. Seven years ago I put this on this book.

Mary Canard-----2.

Q Who did you say told you when Mary Canard died? A Henry Johnson; he lives in this city.

Q Did he live out near Mary Canard? ~~He was out~~ A He was out there.

Q How did he know? A He was here, when he next came out he come to me and asked me when I was going out; that Mary Canard was dead. He heard that I was going out there.

Q How long after her death before you saw her mother? A I saw her mother two or three days after that.

Q And she told you that Mary was dead? A Yes sir.

Robert Nero, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

Q What is your name? A Robert Nero.

Q What is your age? A 24.

Q What is your postoffice? A Broken Arrow.

Q Did you know Mary Canard? A Yes sir.

Q Are you related to her? A No sir.

Q Did you live near her? A Yes sir.

Q How near? A About a mile.

Q How long ago did she die? A About five years ago--about five or six--five years ago.

Q She died what time of the year? A I don't know.

Q Was it fall, or winter, or spring? A Spring or somewhere.

Q Was it more than five years ago or less than five?

A I don't think it is any more than five.

Q You don't know what year it was, do you? A No sir.

Q Are you a citizen of the Creek Nation? A Yes sir.

Q Have you filed on your land? A Yes sir.

Q Was she living when you filed on your land? A Yes, sir, I believe she was.

Q What is your father's name, Robert? A Eli.

The witness is identified on Creek freedman card, field No. 482, approved Roll Book No. 1842. It appears from said card that a citizenship certificate was issued to him on May 1, 1899.

Q You are sure that Mary Canard was living when you filed on your land? A Yes sir.

Q How long after that did she die? A I don't know how long.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed before me  
this the 21 day of April, 1905.

*J. Y. Miller*  
*J. E. Parish*  
Notary Public.



#651

V

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
Muskogee, I. T., June 16, 1905.

In the matter of the application for the enrollment of Mary Canard, deceased.

APPEARANCES: R. R. Cravens, Attorney for applicant

DAVIS COLBERT, being sworn, testifies as follows:

- Q What is your name? A Davis Colbert.  
Q How old are you? A 32.  
Q What is your post office address? A Oktaha.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q Do you know Phillis Franklin? A Yes sir.  
Q Do you know a child of hers named Mary Canard? A Yes sir.  
Q Is Mary Canard living or dead? A Dead.  
Q How long has she been dead? A Six years ago this Fall sometime don't know just what date.  
Q She died in the Fall you say? A Yes sir.  
Q Was she living in the Creek Nation at the time of her death? A Yes sir.  
Q How long had she been there before that? A About 5 or six years.  
Q Did she live with her mother, Phillis Franklin? A She lived with Canard I guess. I think she did.  
Q What time of the year was it when she died? A Long in November.  
Q What makes you remember that it was 6 years ago she died? A It was in the year 1899 that would make it about 6 years, wouldn't it.  
Q Have you filed for your land? A Yes sir.  
Q Was she living or dead when you filed? A I could not say.  
Q Don't you remember about that? A I don't know just how long it was, about the time they commenced filing.  
Q Was she living when the Land Office opened? A Yes sir.  
Q Are you sure of that? A Yes sir.  
Q Did you live near there when she died? A I was working in the same settlement.  
Q Did you go to the funeral? A Yes sir.  
Q Did they have a funeral preached? A I don't know whether they did or not.

By R. R. Cravens-

- Q How far were you working from where Mary died? A About 7 miles south west.  
Q How long after she died did you hear of her death? A The next day I guess, I don't know whether she died in the day or night.

The mother of the applicant is in receipt of a letter from the Commission asking that Sam Harry and one Johnson appear as witnesses before the Commission and give testimony in reference to the enrollment of the applicant. The attorney for the applicant states that one Johnson is dead and that Sam Harry is bed-ridden with the rheumatism, as he is informed and believes.

---:000:---

I, Mena E. Wallar, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 16th day of June, 1905.

*Mena E. Wallar*  
*[Signature]*  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY.

NOVEMBER 16, 1906.

Cr.No. 551

APPEARANCES: JOHN G. LIEBER, acting for M. L. Mott,  
attorney for Creek Nation.  
An effort was made to communicate with the  
office of R. R. Cravens who appears of record  
as attorney for applicant, but he could not  
be reached by phone.

IN the matter of the enrollment of Mary Canard as a Creek  
freedman, opposite Creek Freedman Roll Number 5648.

Rhoda Canard, being first duly sworn, by Henry G. Hains, a  
Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Rhoda Canard.  
Q: How old are you? A: Well I don't know exactly what my age  
is. I know I am over 60, my folks lost my age when I was  
a little girl.  
Q: What is your post-office address? A: Ridge.  
Q: Are you a freedman citizen of the Creek Nation? A: No sir  
Q: You are a State woman are you? A: No sir, I am a Cherokee.  
But I married a Creek.  
Q: Do you know or were you ever acquainted with a person by  
the name of Mary Canard? A: I was the one that raised her  
until she got up to 13 and I was trying to get my Cherokee  
claim and I had to go to the Cherokee nation and I stayed  
3 or 4 weeks and then when I come back it was altogether  
wrong, and that is what killed her.  
Q: What was the name of Mary Canard's mother? A: Phillis.  
This child ain't actually Canard any way but they just  
named her that after we taken her.  
Q: What was the name of her mother? A: Her mother was named  
Phillis----I don't know, I am mighty short memory I can't  
think of it.  
Q: Was her name Phillis Franklin? A: Yes that was her name.  
Q: What was the name of her father? A: That was the name of  
that child's father, he denied it.  
Q: Who did? A: Her father because he hadn't married the  
woman.  
Q: What was the name of Mary Canard's father? A: That is  
what I can't think of, he denied her and after he had taken  
her off, we took her to raise her, he called her by her  
mother's name but that wasn't her name.  
Q: Do you know whether the name of Mary Canard's father was  
George Turner? A: That is the very gentleman, I will hold  
up my hand and swear that is the name she told me it was.  
Q: How old was Mary Canard when she came to you?  
A: She couldn't talk, she was a little baby.



Q: Did she live with you all the time from a baby until she died? A: Yes sir, she was going to school, my husband was sending her to school.

Statement by Commissioner:

The name of Mary Canard appears upon Creek Freedman Card field number 2042, the names of her parents are shown thereon as George Turner and Philis Franklin.

The name of Mary Canard also appears on a partial schedule of Creek Freedmen approved by the Secretary of the Interior June 16, 1906, opposite number 5648.

A notation on said field card is as follows: "No. 1 died November, 1899".

Q: Do you know what time of the year it was when Mary died?  
A: No sir, I can't tell you because I can't read.  
Q: Who was the Doctor? A: I can't remember, my husband sent a man at that time but I can't tell who he was.  
Q: Is your husband living or dead? A: He is dead.  
Q: Do you know Alfred Seers or Albert Seers? A: No sir, I don't think I do. I don't remember that name.  
Q: Did you ever receive a letter from Philis Franklin about giving up your right to Philis's land? A: Yes sir.  
Q: Where is that letter? A: I don't know what I done with it. I think it was just read to me.  
Q: You don't know where the letter is? A: No sir---saying if I would give up the privilege of selling that land she would give me \$100 and after my husband died I told her to take it, I didn't have my children and I thought it would be some help to me.  
Q: Now do you know when Mary died? A: No sir. I said I had a book of it and I lost the book. I hunted and hunted for it, and couldn't find it, but I had a good many books cut up with the rats I could find that much (indicating) cut fine and it might have been one of them, I don't know.  
Q: Was your husband a citizen of the Creek Nation? A: Yes sir, his mother was a Creek.  
Q: What was his name? A: Sam Canard.  
Q: Was he a Creek Freedman? A: His mother was a Creek.  
Q: Mary lived with your husband and yourself from the time she was a baby until she died? A: Yes sir.  
Q: Was anyone ever appointed administrator over Mary's estate?  
A: I think he was---Mr. Canard was.  
Q: Who appointed him? A: I don't know exactly, but if she has had any administrator it was him, but her mother is the one who ought to have been here.  
Q: Were you at home when Mary first took sick? A: Yes sir, I was the one that waited on her myself and I couldn't do any good.  
Q: She died in child birth, didn't she? A: Yes sir.  
Q: Do you remember about the land Office opening here in Muskogee, when it first opened? A: Yes, I was living here.  
Q: In Town? A: Yes, I lived here a while and then Mr. Canard bought that place up yonder and sold the place to Mr. Severs.  
Q: You were living here in town when the Land Office first opened here in Muskogee, were you? A: Yes sir.  
Q: Was Mary living at that time? A: No sir, she was done dead.

- Q: Then Mary died right here in town, did she?  
A: No sir, up yonder.  
Q: Up where? A: At Cold Creek.  
Q: Is that where you are living now? A: Yes sir.  
Q: Did you live up there before you lived here in Muskogee?  
A: No sir that was when I lived with Mr. Beams a while and then I left and came here to the Agency and lived a while. We were married in Lawrence, Kansas and lived there a while and he said it was best to go on home and he came on ahead of me and I had a Sister living in Ft. Scott and I stayed there and he came on down here and a few days afterwards I found a letter to come right on, to Cane Creek.  
Q: Then you were living on Cane Creek? A: Cane Creek where I went, and when I came to this country Mrs. Beams moved me to her house and I stayed there a while.  
Q: Was Mary living with you at that time? A: I had just taken her.  
Q: Well then when you first came to this Country Mary was a little bit of a baby wasn't she? A: Yes sir.  
Q: Where were you living then? A: Where I am living now.  
Q: Did you afterwards move back in Muskogee? A: You see I never taken this child until I moved from here. When these Indians began to draw their money, he grand-mother went to this little town up here and she went there to draw the money and when she came back she gave the little child a suit of clothes and then gave me the child.  
Q: Where were you living when the Creek Land Office first opened in Muskogee? A: Up there where I am now on Cold Creek.  
Q: Then you were not living in Muskogee when the Land Office opened in Muskogee? A: No sir, I wasn't living here, I had done gone back up there to Cold Creek.  
Q: Well now how do you happen to remember that Mary died before the Land Office opened here in Muskogee before they went to filing on their land?  
A: Her mother wouldn't have let me have the land if she could have filed for Mary at the time she filed herself.  
Q: Now Aunt Rhody, do you know why Mary's mother didn't file for Mary at the time she filed for herself? A: Mr. Canard was a citizen and she was too and he just told her she had nothing to do with it and I couldn't swear about all of this he just told me this, he said he met her, it seems at some Court like this and they were talking over it and he told her she couldn't do nothing with it because she gave the child to us, and after he died then she sent a man to ask me is I would be willing for her to sell the land and she would give me a hundred dollars out of it.  
Q: Aunt Rhody Sam has not been dead very long has he?  
A: No sir.  
Q: About how long? A: Well I don't know exactly.  
Q: Well how many crops have you raised since Sam died?  
A: Only one.  
Q: Then he has been dead only about a year? A: Yes sir.  
Q: Now Aunt Rhody do you know why Sam didn't file for Mary at the time he filed for himself?  
A: There was some business to attend to on that, and he just thought when he got his he would take hers and she went to town about this and she said let it alone.  
Q: Do you remember when Sam first came to Muskogee to enroll before the Daves Commission? A: I don't know much about it because he didn't tell me anything about it, if he did I don't remember.  
Q: But your recollection is that Mary died before they started to file on land in the Creek Nation? A: Yes she died long before that.

- Q: How do you know of anybody else that died just about the time Mary died? A: If you get Mary Manuel and Sol Taylor they were both there when Mary died.
- Q: Sol and Mary were both there when Mary died were they?
- A: I know Mary was, Mary couldn't help but be there but I am not certain about Sol.
- Q: How far does Mary Manuel live from where you live now?
- A: About a quarter.
- Q: Where does Sol Taylor live? A: Right next to her, next to Mary.
- Q: Now Aunt Rhedy do you remember of any children that were born just about the time that Mary died? A: I just don't remember.

At this time, Messrs Cravens & Cravens, appear for the applicant.

Eliza Potts, being first duly sworn by Henry G. Hains a Notary Public, testified as follows, te-wit:

Questions by Commissioner:

- Q: What is your name? A: Eliza Potts.
- Q: How old are you? A: I will be 24 years old the 17th. of next February.
- Q: What is your post-office address? A: Muskogee, now.
- Q: Were you a citizen of the Creek Nation? A: Yes sir.
- Q: Creek Freedman? A: Yes sir.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Did you know Mary Canard? A: Yes sir.
- Q: How long did you know her? A: I don't know, I knew her a long time, I knew her up until she died.
- Q: Did you know her for several years? A: I and her went to school together.
- Q: Whom did she live with? A: With Rhedy Canard and Sam Canard.
- Q: Do you know when she died? A: No, I couldn't tell you what year she died in, I didn't pay that much attention, it has been so long I pretty near forget it.
- Q: Were you present when she died? A: No sir, I wasn't there I was there at the funeral.
- Q: Do you know what time of the year it was when she died?
- A: No sir, I don't know exactly but I think it was along in the summer like, I was quite young and I didn't take any notice of it.

- Q: How long have you been married? A: I have been married 9 years the 16th. of this coming May.
- Q: Is there anything by which you can approximately fix the date of death of this Mary Canard? A: No sir, I couldn't. I couldn't tell even the month she died in.
- Q: Could you tell anywhere near the year when she died? A: No sir, I couldn't tell you exactly what year it was, but it was---I don't know---it was kind a long in the summer like.
- Q: You say you have been married over 8 years, that it will be 9 years next May? A: Yes sir.
- Q: Did Mary Canard die before or after you were married? A: Long before I was married, she died about 3 or 4 years before I was married.
- Q: Are you positive of that Mrs. Potts? A: Yes sir, that is my recollection, if it don't fool me, it has been that long.
- Q: Are you positive that she died before you were married? A: Yes sir.
- Q: Were you and she good friends? A: Yes sir.
- Q: How close did you live to Sam Canard's where she did? A: I lived two and a half miles from her.
- Q: Did you see her frequently? A: I would see her every day at school during school hours.
- Q: What school did you go to? A: Cold Creek public school.
- Q: Do you know how long your husband has been in this country? A: He has been in here 9 years in last September, about the 25th. somewhere along there.
- Q: Do you remember when he first came to the country here? A: Yes sir, I know the date he came but I can't think what date it was, but it was along about the 25th. something like that.
- Q: About when? A: September.
- Q: Now did this Mary Canard die before your husband came to this country? A: Yes sir.
- Q: At that time you were not married, were you? A: No sir, I was not married.
- Q: Do you know of anybody in that neighborhood that died just about the time that Mary Canard died? A: No sir, I don't remember.
- Q: Do you know of any person who was born just about the time that Mary Canard died? A: No sir, but she had a baby.
- Q: It didn't live though, did it? A: It was born dead I think that time? A: No sir, I don't remember.
- Q: You say you went to the funeral? A: Yes sir.
- Q: Where was she buried? A: She was buried at Sugar Creek if I am not mistaken. I didn't go right to the Cemetery I was there before they carried her off.
- Q: Who was the preacher at the funeral? A: I don't know. We were just children and went to school with her and Mamma let us see her before they carried her away.
- Q: Were you still going to school? A: Yes sir.
- Q: Of course you didn't go to school after you were married? A: No sir. I didn't go to school after I was married.

Questions by Commissioner:

- Q: About how old was this Mary Canard you have been testifying about? A: Oh I don't know sir, she might have been about 16 or 17 years old, I don't know for sure.
- Q: What was the name of her mother? A: I didn't know her mother at all, I know the woman who raised her.
- Q: What was her name? A: Her name was Rhody Canard.
- Q: Do you know the name of her father?
- A: No sir, I didn't know her father.
- Q: Where were you married? A: I married out on Kane Creek about 21 miles west of here.
- Q: Did you get a license? A: Yes sir.
- Q: Where is it recorded, do you know? A: In Muskogee.
- Q: You are positive that Mary Canard died before you were married? A: Yes sir.

Questions by Rutherford Cravens of the firm of Cravens & Cravens, attorneys for applicant.

- Q: Are you a Creek citizen? A: Yes sir.
- Q: Do you know when the Creek Land Office opened?
- A: It was opened since I have been married.
- Q: I am talking about the Creek Land Office in Muskogee?
- A: I think it was opened sometime in May.
- Q: May of what year? A: I don't know, I certainly didn't keep up with that.
- Q: How long ago? A: It must have been nearly 9 years ago, pretty near that long.
- Q: How old was Mary Canard with reference to your age?
- A: She was older than I was, maybe 3 or 4 or 5 years older. But I knew her ever since I can remember until she died.
- Q: At whose house did she die? A: At Rhoda Canards where she lived.
- Q: She died then before the Land Office opened? A: No sir, I said I was married nearly 9 years ago.
- Q: Didn't you also say that the Land Office opened about 9 years ago? A: Somewhere near that I think, I don't know for sure.
- Q: Where do you live? A: On Kane Creek about 21 miles from here.
- Q: When? A: 1890 something, I don't know just what date, I could tell you as soon as I could see my certificate.
- Q: Where did you live after you were married? A: Oh I lived at my father's from May until August and then I moved about 2 miles North-west of him and I lived there until I moved here in July.
- Q: Where did you move in July? A: Muskogee. I moved here the 8th. of July.
- Q: At the time Mary Canard died where were you living?
- A: We were living out on a farm about two miles from where my father lives now.
- Q: How far was that from where Mary Canard died? A: About 2 and a half miles West.
- Q: Is your mother living? A: Yes sir.
- Q: Is your father living? A: No sir.
- Q: When did he die? A: A year ago last May.



- Q: Have you any brothers dead? A: No sir.  
Q: Any sister's dead? A: No sir.  
Q: Have you any children? A: Yes sir.  
Q: Any dead? A: Yes sir.  
Q: How many dead? A: Three.  
Q: When did the first one die? A: It died in '99, in May I believe about the 10th. of May.  
Q: Have you a record of the death of that child? A: I don't know whether I have or not I don't keep up much with things like that, I might have.  
Q: How long had you been married at the time of the birth of that child? A: I was married the May before and it was born in April of the next summer.  
Q: What was the date of the death of your next dead child?  
A: I think it was March 10?  
Q: What year? A: 1900.  
Q: When was that child born? A: It was born in 1900.  
Q: Do you know of anybody else who died in that neighborhood about the same time that Mary Canard died? A: No sir, I don't.  
Q: To whom have you talked about this? A: I never has talked to anybody about it, I have told Mr. Potts, it was directly after I was married, about the girl I knew, that I was going to school with, but I forgot about it that there ever was a Mary Canard until I heard it this evening.  
Q: How did you hear about it this evening?  
A: A man came and subpoenaed me.  
Q: Did he tell you what he wanted with you?  
A: He said he wanted me on the case of Mary Canard. He asked me if I knew her and I said yes.  
Q: Did he ask you when she died? A: No sir.  
Q: Nobody has asked you that until now? A: No sir.  
Q: Was Mary Canard married? A: No sir.  
Q: Were you and she good friends up to the time of her death?  
A: Yes sir.  
Q: Do you know Philis Franklin, now Philis Owen? A: No sir.  
Q: Mary Canard's mother? A: No sir.  
Q: Do you know whether she died before or after the land office opened? A: She died before.  
Q: About how long? A: A good while before.  
Q: About how long? A: It might have been 3 years or 4 or 5 maybe, I don't know, but it was a good while before the Land Office opened.  
Q: Didn't you say she died 9 years ago? A: No sir.  
Q: How long ago did she die? A: She died before I was married  
Q: How long have you been married? A: 9 years the 14th. of this coming May.  
Q: How long had she been dead before you were married?  
A: I don't know ---it might have been---  
Q: I don't want you to say how long she might have been dead, I want to know when it was? A: Well I don't know.  
Q: You don't know how long the Land Office had been opened then? Do you? A: No sir.  
Q: Do you know whether the Land Office was opened before you were married? A: No sir, it was not.  
Q: Do you know whether or not you were married before the Land Office was opened? A: Yes sir.  
Q: Where did you get your license? A: Muskogee.  
Q: What is the name of your husband? A: J. P. Potts.  
Q: What was your name before you were married? A: Eliza Franklin.  
Q: Have you ever been arrested? A: No sir.

Questions by John G. Lieber, acting attorney for the Creek Nation.

- Q: Have you ever been married more than once Mrs. Potts?  
A: No sir.  
Q: When were you married? A: I was married 8 years ago last May.  
Q: You married this man J. P. Potts, did you? A: Yes sir.

James P. Potts, being first duly sworn by Henry G. Hains, a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: J. P. Potts.  
Q: How old are you? A: 41.  
Q: What is your post-office address? A: Muskogee.  
Q: You are a State man, aren't you? A: Yes sir.  
Q: What is the name of your wife? A: Eliza Potts.  
Q: The woman who just left the witness stand? A: Yes sir.

Questions by J. G. Lieber, acting attorney for Creek Nation.

- Q: Do you know Sam Canard? A: Yes sir.  
Q: Also his wife Rhody Canard? A: Yes sir.  
Q: Did you ever live near to them Mr. Potts? A: Yes sir.  
Q: How close? A: Why I lived within I think a mile and a half or two miles of them.  
Q: Were you well acquainted with them? A: Yes sir.  
Q: Did you ever know a girl by the name of Mary Canard?  
A: No sir, I never knew her myself, I heard of her, but I never knew her, I heard my wife speak of her.  
Q: Did you visit at Sam Canard's house just about the time you and your wife were married? A: Shortly after we were married I visited there.  
Q: How long after, Potts? A: I think I made the old man a visit within a week or two after I was married, I don't know exactly what time.  
Q: Did he have a girl there by the name of Mary Canard?  
A: No sir.  
Q: Were you told anything about her at that time?

Counsel for applicant objects to the question on the ground that it calls for hearsay evidence)

- A: I heard there was a girl of that name had been there and that she was dead.  
Q: At that time? A: Yes sir.  
Q: Do you know when you and your wife were married?  
A: Yes sir, about.  
Q: When? A: We were married on the 14th. day of May, I think it was 9 years ago last May the 14th. if I mistake not.

Attorney for applicant objects to the question because the record is the best evidence.

- A: I am not positive but I think it was about 9 years ago the 14th. of May.



- Q: Do you remember when the Land office opened here in Muskogee? A: Yes sir, I do.
- Q: Were you married before or after that time?
- A: I was married then, yes sir.
- Q: You mean that you were married after the Land office opened? A: When the Land Office opened I was married then.
- Q: Then you were married before the Land Office was opened?
- A: Yes, I was married before the Land Office was opened. They first opened in Wellington there and I was married then.
- Q: They didn't have a Land Office in Wellington, did they?
- A: I mean when the Dawes Commission came down and established in the town in Wellington and they had to enroll.
- Q: But there was no Land office then, was there? A: No sir.
- Q: Do you know what year that was, Potts? A: No, I couldn't say, positively.

This is all the testimony given in said cause on said date.

I, Julia C. Laval, on my oath state that the above and fore-going is a true and complete transcript of my stenographic notes as taken by me in said cause, on said date.

Julia C. Laval

Subscribed and sworn to before  
me this 19 day of November, 1906.

Edward Merrick  
Notary Public.

Exhibit "a"

MARRIAGE LICENSE.

UNITED STATES OF AMERICA)

Indian Territory ) SS:

Northern District. )

No. 1139.

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE--GREETING:

You are hereby Commanded to Solemnize the Rite and Publish the Banns of Matrimony between Mr. J. P. Potts of Ridge, in the Indian Territory, aged 28 years and M Eliza Franklin of Ridge, in the Indian Territory, aged 16 years, according to law, and do you officially sign and return this license to the parties therein named

WITNESS my hand and official seal, this 13<sup>th</sup> day of May, A.D. 1898.

(SEAL)

Jas. A. Winston.

Clerk of the U.S. Court.

By-----Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA )

INDIAN TERRITORY ) SS:

Northern District)

I, L. W. Sango, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 14 day of May A.D. 1898 did duly and according to law as commanded in the foregoing License, solemnize the Rite and Publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 14 day of May A.D. 1898.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book \_\_\_\_\_, Page 181.

L. W. Sango,

A minister of the gospel.

Filed and duly recorded this 18 day of June 1898, Book F. page 521.

Jas. A. Winston, Clerk of the United States Court.

Certificate of True Copy.

United States of America.)

Indian Territory ) SS:

Western District. )

I, R. P. Harrison, Clerk of the United States Court in the Western District, Indian Territory, do hereby certify that the instrument hereto attached is a full, true and correct copy of a Marriage License as same appears from the records of my office, Book F. page 521.

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 16<sup>th</sup> day of Nov. A.D. 1906.

By John Harlan, Deputy Clerk.

R. P. Harrison.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and correct copy of the Marriage License filed in this case, and marked Exhibit "A".

Subscribed and sworn to before me this 20 day of November/1906.

Julia C. Laval.  
Edward Harlan  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
NOVEMBER 17, 1906.

CR. EV. 651.

In the matter of the enrollment of MARY CANARD as a Creek Freedman, opposite Creek Freedman Roll number 5648.

APPEARANCES: JOHN G. LIEBER, acting for M. L. Mott, attorney for Creek Nation.

R. R. Cravens, attorney of Record for Applicant was communicated with by phone and it was stated by him that he did not care to be present at this hearing.

The Attorney for Creek Nation, here offers in evidence a certified copy of the marriage license issued to J. P. Potts and Eliza Franklin, witnesses who have testified in this case, which shows that they were married on the 14th. day of May 1898.

Commission now permits said marriage license to be filed in this case, and same is marked exhibit "A". A certified copy of said marriage license is herewith attached.

W. H. Sims being first duly sworn by Henry G. Hains, a Notary Public, testified as follows, to-wit:

Questions by Commissioner:

- Q: What is your name? A: W. H. Sims.  
Q: How old are you? A: 44 or 45 something like that.  
Q: What is your post-office address? A: Muskogee, Indian Territory.  
Q: What is your profession or business?  
A: Physician and surgeon.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: How long have you been a physician, Doctor?  
A: 17 or 18 years.  
Q: Do you know a man by the name of Sam Canard? A: Yes sir.  
Q: How long have you known him? A: 14 years.  
Q: Did you know a daughter or a young lady at his house by the name of Mary Canard? A: Well I knew a young lady, but I don't know her name, I know the party, but I couldn't swear to the name, I don't know as I have heard her name. I understood that it was Canard's daughter or step-daughter.  
Q: Did you ever wait on her in a professional capacity?  
A: Yes sir.  
Q: When was that Doctor? A: I don't remember the date, but I feel quite sure it was prior to the big fire in Muskogee.  
Q: What were the nature of your services Doctor that you rendered at that time? A: I delivered a child.  
Q: Did the mother live very long after the birth of the child?  
A: No, not more than 5 or 10 minutes.  
Q: You were present when she died, were you? A: Yes sir.  
Q: Now you say you are positive that this was before the big fire in Muskogee? A: Yes sir.  
Q: Are you quite sure of that Doctor? A: Why what makes me sure of it is that at the time of the fire all my books were destroyed, my records were destroyed and I haven't that name on my new records since that time. I have all my records since that time, up to three years ago  
Q: You have all your records up until 3 years ago? A: Yes sir, I have paid no attention to the practice for three years, I went into the banking business.  
Q: You have the records from the time of the big fire until you went out of practicing? A: Yes sir.  
Q: And you do not find the name of Sam Canard on the records you have, showing you made a visit? A: No sir.  
Q: Now do you remember Doctor of making a record of that visit and a charge for your services?  
A: No, I don't remember of making a record of it but it was my rule to make a record of all my cases and fees.  
Q: Have you investigated your records to see if you have this charge on your present records?  
A: No, I haven't investigated them particularly but I am quite sure it is not on the records.  
Q: Do you know when the big fire was here in Muskogee?  
A: February 23, 1899 I believe.  
Q: Is there anything Doctor that helps you remember the visit to Sam Canard's for this woman--was it different from any other visit you made in a professional way?  
A: Yes sir, I had had no professional business with Sam Canard before that time.  
Q: That was your first business visit, was it? A: Yes, I knew him before that but shortly after that, a week or two when he came to pay the bill he told me about the Baptist Church owing him \$99 since it was built 8 or 10 years, and I remember of having the Church to give a Christmas Bazar or fair, I believe they called it a bazar.  
Q: Were you a member of the church at that time? A: Yes sir. In fact I arranged the fair. That was during the Christmas week before the fire in February, as well as I can remember it, at any rate it was before the fire, because the building where the fair was held was one of the build-

- ings that got burned up afterwards.
- Q: You are certain of that are you? A: Yes sir, a part of the proceeds of that fair were paid to Sam Canard on the Church indebtedness.
- Q: After refreshing your memory you are positive that this woman died before the big fire in Muskogee?
- A: Yes sir, quite sure of it.

Statement by Acting attorney for Creek Nation.

The Creek Nation here moves the Commissioner to notify the proper parties in this case to show cause, within a certain time, why the name of Mary Canard, should not be stricken from the Rolls of the Creek Nation, and that upon their failure to show cause, that said name be stricken from the rolls and such steps taken as may be necessary to cancel the allotment and patent issued to the heirs of Mary Canard.

This is all the evidence taken in said cause on said date.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Subscribed and sworn to before,  
me this 20 day of November, 1906.

Julia C. Laval

Edward Herries  
Notary Public

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of Mary Canard, deceased, as a Creek Freedman.

DECISION.

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The record in this case shows that on August 22, 1904, Phillis Franklin appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of her daughter, Mary Canard, deceased, as a Creek Freedman. Further proceedings were had April 22, 1905, and June 16, 1905.

The evidence shows that said Mary Canard, deceased, was a resident of the Creek Nation all her life, that she is identified on the 1890 Authenticated Tribal roll and the 1895 Pay-Roll of the Creek Nation, and that she died in the month of November, 1899.

It is, therefore, ordered and adjudged that said Mary Canard, deceased, is entitled to be enrolled as a Creek Freedman, in accordance with the provisions of the acts of Congress June 28, 1898 (30 Stats., 495), and March 1, 1901, (31 Stats., 861), and the application for her enrollment as such is accordingly granted.

Muskogee, Indian Territory,

JAN 12 1906

  
\_\_\_\_\_  
Commissioner.

**CERTIFICATE OF TRUE COPY.**

United States of America,  
INDIAN TERRITORY,  
WESTERN DISTRICT.

SS.

I, R. P. HARRISON, Clerk of the United States Court in the Western District, Indian Territory, do hereby certify that the instrument hereto attached is a full, true and correct copy of a Marriage License Book 7-1-2 521 as the same appears from the records of my office.

WITNESS my hand and seal of said Court at Muskogee

in said Territory, this 16 day of Nov. A. D. 1906

By John H. Hare  
Deputy Clerk.

R. P. Harrison  
Clerk and Ex-Officio Recorder.

in Book \_\_\_\_\_, Marriage Record, Page \_\_\_\_\_

Witness my hand and seal of said Court at Muskogee, in said Territory, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 190\_\_\_\_\_

Clerk.

By \_\_\_\_\_ Deputy.

Exhibit A.



# MARRIAGE LICENSE

UNITED STATES OF AMERICA

Indian Territory  
Western District

ss.

No. 1139

To Any Person Authorized by Law to Solemnize Marriage - Greeting:

You are Hereby Commanded to Solemnize the Rite and Publish the Banns of Matrimony between Mr. J. P. Pove of Ridge, in the Indian Territory, aged 28 years, and M. Eliza Franklin of Ridge, in the Indian Territory, aged 16 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory, this 13 day of May, A. D. 1898.

*[Signature]*

*[Signature]*

Clerk of the U. S. Court.

By \_\_\_\_\_ Deputy.

## CERTIFICATE OF MARRIAGE

UNITED STATES OF AMERICA

Indian Territory  
Western District

ss.

I, L. W. Sango, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 14 day of May, A. D. 1898 did duly and according to law as commanded in the foregoing License, solemnize the Rite and Publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 14 day of May, A. D. 1898

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Western District, Book \_\_\_\_\_, Page 181

*[Signature]*

A Minister of the Gospel.

NOTE—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Western District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the license was issued will be liable in the amount of One Hundred Dollars (\$100.00).

*Filed and duly recorded, this 18 day of June 1898  
Book 7, page 521, Jan. A. Winston Clerk of the Court*

8813  
Creek No. 651

Muskogee, Indian Territory, December 12, 1904.

M. L. Mott,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is inclosed a copy of the testimony in the matter of the application for the enrollment of Mary Canard, deceased, as a Creek Freedman.

The Creek Nation will be allowed a reasonable time within which to submit evidence in the case.

Respectfully,

Chairman.

HCW-1-12.

En. 651.

Muskogee, Indian Territory, May 20, 1906.

Phillis Franklin,

Oktaha, Indian Territory .

Dear Madam:

In the matter of the application for the enrollment of your deceased daughter, Mary Canard, you are hereby notified that the Commission desires the testimony of Sam Harry and Henry Johnson, relative to the date of the death of Mary Canard, deceased.

You will be allowed twenty days from date within which to appear before the Commission at its office in Muskogee, Indian Territory, with Sam Harry, Henry Johnson and such other witnesses as you may desire to produce, for the purpose of being examined under oath, and in the event that no further evidence is offered, the case will be adjudicated on the record now before the Commission.

Respectfully,

Register.

434  
OF SA 681

Muskogee, Indian Territory, February 26, 1906.

Phyllis Owens (Phyllis Franklin);

Oktaha, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of February 22, 1906, in which you ask for the status of the application for the enrollment of your minor child, Mary Canard (deceased).

In reply you are advised that the Commission desires further evidence in said case. You are hereby notified that you will be allowed thirty days from date within which to bring before the Commission witnesses who know the dates of birth and death of said Mary Canard, for the purpose of being examined under oath.

Respectfully,

Chairman.

V # 651  
Muskogee, Indian Territory, March 20, 1906.

Phillis Franklin,

Oktaha, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of March 18, 1905, relative to proof of death of your daughter, Mary Canard.

In reply you are advised that the Commission desires the testimony, under oath, of at least two witnesses who know the exact date of the death of said Mary Canard, and that you will be allowed thirty days within which to introduce same before the Commission at its office in Muskogee, Indian Territory.

Respectfully,

Chairman.

En 651

Muskogee, Indian Territory, December 8, 1905.

Phillis Owens.

Oktaha, Indian Territory.

Dear Madam:

Receipt is acknowledged of your communication of December 5, 1905, relative to the right to enrollment of your daughter, Mary Canard (deceased) as a citizen of the Creek Nation.

In reply you are advised that the matter of the application for the enrollment of said Mary Canard (deceased) as a citizen of the Creek Nation is pending before this Office; that it does not appear, at this time, that further evidence is necessary in said case, and that when final action is had in the matter, you will be duly notified.

Respectfully,

Acting Commissioner.

Cr En 651

Muskogee, Indian Territory, January 13, 1906.

L. L. Mott,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Mary Canard (deceased), nee a Creek Freedman.

You are hereby advised that the Creek Nation will be allowed fifteen days from date hereof within which to protest against the enrollment of said Mary Canard (deceased), and if, at the expiration of said time, no protest has been filed, said Mary Canard (deceased) will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Commissioner.

JYM-13-2



OF. No. 681

Muskogee, Indian Territory, June 20, 1900.

Phillie Franklin,

Ottawa, Indian Territory.

Dear Madam:

You are hereby advised that the name of your minor child, Mary Hannah, deceased, is contained in the partial list of Freedmen of the Creek Nation, approved by the Secretary of the Interior, June 10, 1900, and that a claim for said child in the Creek Nation may now be made for her, by the administrator, at the Creek Land Office at Muskogee, Indian Territory.

This matter should receive your prompt attention.

Respectfully,

Commissioner.

SP:BN: 001

Muskogee, Indian Territory, June 20, 1906.

A. R. GRAVES,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the name of Mary Canard, deceased, is contained in the partial list of Freedmen of the Creek Nation, approved by the Secretary of the Interior, June 10, 1906, and that a selection of land in the Creek Nation may now be made for her, by the Administrator, at the Creek Land office, at Muskogee, Indian Territory.

This matter should receive prompt attention.

Respectfully,

Commissioner.

Cr.M. 681

Muskogee, Indian Territory, June 25, 1906.

S. W. Isaac,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the name of Mary Canard, deceased, is contained in the partial list of Freedmen of the Creek Nation, approved by the Secretary of the Interior, June 16, 1906, and that a selection of land in the Creek Nation, may now be made for her, by the administrator, at the Creek Land Office, at Muskogee, Indian Territory.

This matter should receive your prompt attention.

Respectfully,

Commissioner.

Bn. 651

Muskogee, Indian Territory, November 22, 1906.

Phyllis Owens, (or Phyllis Franklin)  
Oklahoma, Indian Territory,

Dear Madam:

You are hereby advised that you will be allowed 30 days from date hereof within which to show cause before the Commissioner to the Five Civilized Tribes why the name of Mary Canard, deceased should not be stricken from the approved Roll of Creek Freedmen, opposite number 3646.

Respectfully,

J.C.L.  
Register.

Commissioner.

20 001

Muskogee, Indian Territory, November 20, 1906.

R. H. Graven,  
Attorney for Mary Canard,  
General Delivery,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that you will be allowed 30 days from date hereof within which to show cause before the Commissioner to the Five Civilized Tribes why the name of Mary Canard, deceased, should not be stricken from the approved roll of Creek Freedmen, opposite number 8648.

Respectfully,

Commissioner.

COMMISSION TO FIVE TRIBES.		
NO.	Received	PAID
11899		
1905	APR 1	

Cornard, Sam,  
Ridge, I. A.,  
Creek Station,  
March 3, 1905.

Relative to dates of birth and  
death of Phyllis Franklin or  
Phyllis Owens.

CREEK ENROLLMENT,

# Cu 651  
File

Ridge & F  
March 26th 1905  
Mr. James Kirby  
Muscoogee  
Dear Sir Sam in reply  
of a letter from  
Phyllis Franklin  
or Phyllis Owens  
asking me about  
the birth and death  
of Mary Cornard.  
I can't remember  
just what time  
in 1875 she was  
born and I can't  
give the date

of her death in  
 November 1899  
 but it was some  
 time past then  
 I had left the place  
 so I can do  
 anything and  
 have it done.  
 I will go out  
 of the house in  
 a day

Sam. Carnard,



CR 24 622

CR 24 622

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Muskogee, 11 71, August 23, 1904.

In the matter of the application for the enrollment of Dan  
Parker as a citizen by blood of the Creek Nation.

DAN PARKER, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Dan Parker.  
Q How old are you? A Thirty-five.  
Q What is your post office address? A Paris, Texas.  
Q Do you intend application for enrollment as a citizen by blood of  
the Creek Nation? A Yes, sir.  
Q Where do you live? A Paris, Texas.  
Q Where were you born? A In Texas.  
Q How long have you lived in Texas? A All my life.  
Q Do you claim to be a Creek by blood? A Yes, sir.  
Q How much Creek blood do you claim to have? A Mother is a full  
blood. I don't know how much that will make me.  
Q You don't claim to be a full blood Creek Indian do you? A No,  
sir.  
Q Did you ever draw any money from the Creek Nation? A No, sir.  
Q Did you ever apply to any authority about you citizenship in the  
Creek Nation? A No, sir.  
Q This is the first time you have been any where to see about your  
citizenship? A Yes, sir.

The Tribal Rolls of the Creek Nation, in the possession of  
the Commission, examined and the applicant not identified on  
any of said Rolls.

The record of proceedings of the Commission, under the act  
of June 10, 1906, examined and it does not appear that applica-  
tion was ever made to this Commission, by the applicant, for  
citizenship in the Creek Nation, under the provisions of said  
act.

The records of the Colbert Commission, in the possession  
of the Commission, examined and it does not appear that applica-  
tion was ever made to said commission, by the applicant herein  
or by any person for him, for citizenship in the Creek Nation.

---111000111---

I, Brennan G. Skaggs, on oath state that the above and foregoing  
is a true and complete transcript of my stenographic notes as taken  
in said cause on said date.

*Brennan G. Skaggs*

1904. Subscribed and sworn to before me this 10th day of September,

*Edward Morris*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

2973

-101-

In the matter of the application for the enrollment of Dan Parker as a citizen by blood of the Creek Nation.

## - I D E C I S I O N :-

The record in this case shows that on August 23, 1904 Dan Parker appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a citizen by blood of the Creek Nation. The evidence shows that said Dan Parker is not a full blood Creek Indian.

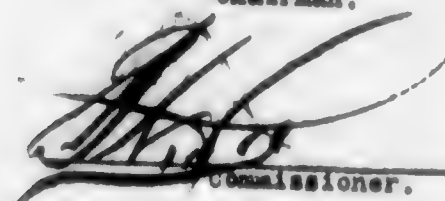
It does not appear that the applicant has ever been enrolled as a citizen of the Creek Nation, nor does it appear that he has ever been admitted to citizenship in said Nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Dan Parker as a citizen by blood of the Creek Nation, and that the application for his enrollment as such should be denied, and is so ordered.

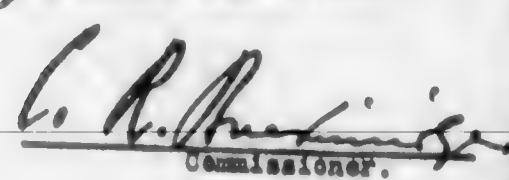
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,  

---

65000 NM 600

Winokago, Indian Territory, January 7, 1908.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Dan Parker as a citizen by blood of the Creek Nation, including the decision of the Commission, dated January 4, 1908:

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

JYN-20.

Creek No 682

Muskogee, Indian Territory, January 7, 1908.

M. J. Holt,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Dan Parker as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYh-LY.

*Handwritten mark*  
Creek No 602

Muskogee, Indian Territory, January 7, 1906.

Sam Parker,

Paris, Texas.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

JYM-26.

654  
D.O. 7019-1906  
I.T.D. 478-1906

(Copy)

C.P.  
FHA

LHB

DEPARTMENT OF THE INTERIOR,

WASHINGTON, February 8, 1906.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

January 7, 1906, you transmitted the record in the matter of the application for the enrollment of Dan Parker as a citizen by blood of the Creek Nation, including your decision of January 4, 1906, denying said application.

Reporting January 17, 1906, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) FRED. HYAN,  
Acting Secretary.

1 inclosure.



Land  
2800-1905

(Copy)

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

WASHINGTON, January 17, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated January 7, 1905, transmitting the record of the application, made August 23, 1904, for enrollment as a citizen by blood of the Creek Nation by Dan Parker.

January 4, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant is not a full blood Creek Indian and that he has never been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

O. F. LARRABEE,  
Acting Commissioner.

P. M. P.  
W.

Creek En 652

Muskogee, Indian Territory, February 15, 1905.

Dan Parker,

Paris, Texas.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 8, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying your application for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Creek En 652

Muskogee, Indian Territory, February 15, 1906.

M. L. Mott,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of February 8, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of Dan Parker as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

CR EN 683

CR EN 683

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
WASHDC, D. C., August 28, 1904.

In the matter of the application for the enrollment of Levi Parker as a citizen by blood of the Creek Nation.

LEVI PARKER, being duly sworn, testified as follows:

My Commission!

Q What is your name? A Levi Parker.  
Q How old are you? A Twenty-nine.  
Q What is your post office address? A Paris, Texas.  
Q Do you make application for citizen by blood of the Creek Nation?  
A Yes, sir.  
Q Have you any one else you desire to apply for? A My two children.  
Q What is the name of the eldest? A Welch.  
Q How old is he? A Seven.  
Q What is the name of the other? A Martha.  
Q How old is she? A Seven.  
Q Are these children both alive? A Yes, sir.  
Q Living with you? A Yes, sir.  
Q What is the name of the mother? A Lena but she is dead.  
Q Do you claim that she has any rights in the Creek Nation? A No, sir.  
Q State when you died? A Yes, sir.  
Q What degree of Creek blood do you claim? A My mother was a full blood.  
Q You don't claim to be a full blood Creek Indian? A No, sir.  
Q You intermarry a white man or woman? A Yes, sir.  
Q Did you ever draw any money from the Creek Nation? A No, sir.  
Q Did you apply to any authority, before this, about your claim here in the Creek Nation? A No, sir.

The Tribal Rolls of the Creek Nation, in the possession of the Commission, examined and the applicant not identified on any of said rolls.

The record of proceedings of the Commission, under the act of June 10, 1904, examined and it does not appear that application was ever made to this Commission, by the applicant, under the provisions of said act, for citizenship in the Creek Nation.

The records of the Osbert Commission, in the possession of the Commission, examined and it does not appear that application was ever made to said commission, by the applicant herein or by any person for him, for citizenship in the Creek Nation.

Q Is there anything else you want to say about this matter? A No, sir.

---112000;11---

I, Jeremiah C. Shanks, do hereby state that the above and foregoing is a full, true and correct transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 10th day of September, 1904.

*Jeremiah C. Shanks*  
*Edward H. Harris*  
Notary Public.

2879

No. 653

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Levi Parker and his minor children, Welch and Martha Parker, as citizens by blood of the Creek Nation.


D E C I S I O N .

The record in this case shows that on August 23, 1904, Levi Parker appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his minor children, Welch and Martha Parker, as citizens by blood of the Creek Nation. The evidence shows that none of the applicants are full-blood Creek Indians.

It does not appear that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor does it appear that they, or any of them, have ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Levi Parker, Welch Parker and Martha Parker as citizens by blood of the Creek Nation, and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
CHIEF  
COMMISSIONER  
C. R. Anderson  
COMMISSIONER

MUSKOGEE, INDIAN TERRITORY,

JAN 4 1905

Creek No 663

Muskogee, Indian Territory, January 9, 1906.

Levi Parker,

Paris, Texas.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, Welch and Martha Parker, as citizens by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

JYK-37.



Creek No. 655

Muskogee, Indian Territory, January 9, 1908.

M. L. Metz,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Levi Parker, et al., as citizens by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

SYM-40.

Creek En 453

Muskogee, Indian Territory, January 9, 1906.

The honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Levi Parker, et al., as citizens by blood of the Creek Nation, including the decision of the Commission of January 4, 1906.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

JYK-41.

Refer in reply to the following :  
Land: 2747-1908.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON: JANUARY 20, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith, a report from the Commission to the Five Civilized Tribes, dated January 9, 1908, transmitting the record of the application, made August 23, 1904, for enrollment as citizens by blood of the Creek Nation by Levi Parker for himself and his minor children, Welch and Martha Parker.

January 4, 1908, the Commission decided adversely to all the applicants.

The record shows that none of the applicants are full blood Creek Indians; that none of them have ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M. M. W.

W.

I.T.D. 480-1906.

WOT. PCH.

LRS.

DEPARTMENT OF THE INTERIOR,  
Commission to the Five Civilized Tribes,  
WASHINGTON, February 14, 1908.  
Muskogee, Indian Territory.

Gentlemen:

January 9, 1908, you transmitted the record in the matter of the application of Levi Barker for the enrollment of himself and his minor children, Welch, and Martha Barker, as citizens by blood of the Creek Nation, including your decision of January 4, 1908, rejecting the applicants.

Reporting in the matter January 20, 1908, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) H.A. Hitchcock,  
Secretary.

1 inclosure.

No. 683.

Muskogee, Indian Territory, March 4, 1908.

Levi Parker,  
Paris, Texas.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 16, 1908, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of yourself and your minor children, Welch Parker and Martha Parker, as citizens by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

✓  
In. 655.

Muskogee, Indian Territory, March 4, 1908.

M. L. Mett,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of February 16, 1908, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1908, denying the application for the enrollment of Levi Parker, et al., as citizens by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

OR EN 654

OR EN 654



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 23, 1904.

In the matter of the application for the enrollment of Henry Parker as a citizen by blood of the Creek Nation.

HENRY PARKER, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Henry Parker.  
Q Are old are you? A Forty-two.  
Q What is your post office address? A Paris, Texas.  
Q Do you make application for enrollment as a citizen by blood of the Creek Nation? A Yes, sir.  
Q What degree of blood do you claim? A My mother was a full blood.  
Q You don't claim to be a full blood yourself? A No, sir.  
Q What town in the Creek Nation do you claim to belong? A Well, I don't know about that.  
Q Where were you born? A Texas.  
Q Have you lived in Texas all your life? A Yes, sir.  
Q Did you ever draw any money from the Creek Nation? A No, sir.  
Q Was you ever admitted to citizenship in the Creek Nation? A No, sir.  
Q Did you ever go to any authority before this to see about your citizenship? A No, sir.  
Q Are you any kin to Martha Parker? A Her oldest son.

The Tribal Rolls of the Creek Nation, in the possession of the Commission, examined and the applicant not identified on any of said Rolls.

The records of proceedings of the Commission, under the act of June 10, 1896, examined and it does not appear that application was made for citizenship in the Creek Nation by the applicant, under the provisions of said act.

The records of the Colbert Commission, in the possession of the Commission, examined and it does not appear that application was made to said Commission for citizenship in the Creek Nation by the applicant or any person for him.

- Q Have you some children you want to include? A Yes, sir.  
Q Begin at the oldest living one? A Henry Parker, Jr.  
Q How old is he? A Seventeen.  
Q What is the name of the next? A Ruth.  
Q How old is she? A Sixteen.  
Q What is the name of the next? A Cordy.  
Q How old is she? A Fourteen.  
Q What is the next? A Luther.  
Q How old is he? A He is dead.  
Q How long has he been dead? A Died in June.  
Q What year? A This year.  
Q How old was he when he died? A Eleven years old.  
Q What is the name of the next one? A Velma.  
Q How old is she? A Nine.  
Q What is the next one? A Marcellus.  
Q How old is he? A Seven.  
Q What is the name of the next one? A Ceaser.  
Q Is that a girl or a boy? A Boy.  
Q How old is he? A Four years old.  
Q They are all living except this one you mention which is dead, are they? A Yes, sir.

Henry Barker et al., -2-

- Q What is the name of their mother? A Mary Barker.  
Q Do you claim that she has any rights in the Creek Nation? A No, sir.  
Q State woman is dead? A Yes, sir.  
Q Anything else you want to say? A No, sir. That is all.

---1000---

I, Drennan S. George, do oath and say that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Drennan S. George

Subscribed and sworn to before me this 16th day of September, 1904.

Edward H. Hines  
Notary Public.

C. D.

No. 654.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Henry Parker, Henry Parker Jr., Ruth, Gordy, Velma, Marcellus, Caesar and Luther Parker, deceased, as citizens by blood of the Creek Nation.

- I D E C I S I O N -


The record in this case shows that on August 23, 1904, Henry Parker appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his seven minor children, Henry Parker Jr., Ruth Parker, Gordy Parker, Velma Parker, Marcellus Parker, Caesar Parker and Luther Parker, deceased, as citizens by blood of the Creek Nation.

The evidence shows that none of the applicants are full blood Creek Indians and that no claim is made that the mother of said minor children is entitled to be enrolled as a citizen of the Creek Nation.

It does not appear from the evidence that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor have they, or any of them, ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Henry Parker, Henry Parker Jr., Ruth Parker, Gordy Parker, Velma Parker, Caesar Parker, Marcellus Parker and Luther Parker, deceased, or any of them, as citizens by blood of the Creek Nation and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
C. P. Brinkley  
Commissioner.

Muskogee, Indian Territory.

*Hess*  
Order No 684

Muskogee, Indian Territory, January 7, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Henry Parker, et al., as citizens by blood of the Creek Nation, including the decision of the Commission, dated January 4, 1908.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

JYM-51.

Wes

Creek En 654

Muskogee, Indian Territory, January 7, 1908.

M. L. Mett,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Henry Parker, et al., as citizens by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYK-30.

Creek No 604

Muskogee, Indian Territory, January 7, 1906.

Henry Parker,  
Paris, Texas.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and your minor children, Henry Parker, Jr., Ruth, Jerry, Velma, Marcellus, Caesar and Luther (deceased) Parker, as citizens by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the <sup>Secretary</sup> Commission will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

JYM:RV.



V. CY. FHE. IRS.

I.T.D. 718-1905.

DEPARTMENT OF THE INTERIOR,

~~XXXXXXXX~~ WASHINGTON, February 15, 1905.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

January 7, 1905, you transmitted the record in the matter of the application of Henry Parker for the enrollment of himself and his seven minor children, Henry Jr., Ruth, Cordy, Velma, Marcellus and Caesar Parker and Luther Parker (deceased) as citizens by blood of the Creek Nation, including your decision of January 4, 1905, rejecting the applicants.

Reporting in the matter January 21, 1905, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E.A. Hitchcock,

Secretary.

1 inclosure.



Refer in reply to the following:  
Land: 2219-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, January 21, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated January 7, 1905, transmitting the record of the application, made August 23, 1904, for enrollment as citizens by blood of the Creek Nation by Henry Parker for himself and his seven minor children, Henry Jr., Ruth, Cordy, ~~Valma~~<sup>Wanda</sup>, Mercallus and Caesar Parker and Luther Parker, deceased.

January 4, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants are full blood Creek Indians; that the mother of the minor is a "State woman" and no claim is made for her; that none of the applicants have ~~ever~~<sup>ever</sup> been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by ~~in~~ any United States tribunal.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C.F. Larrabee, Acting Commissioner.

M.M.

✓  
En. 654.

Muskogee, Indian Territory, March 1, 1901.

M. L. Mott,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of February 16, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1905, denying the application for the enrollment of Henry Parker, et al., as citizens of the Creek Nation.

Respectfully,

Commissioner in Charge.

✓  
En. 654.

Muskogee, Indian Territory, March 1, 1905.

Henry Parker,  
Paris, Texas.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 16, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying your application for the enrollment of yourself and ~~your~~ children, Henry, Jr., Ruth, Cordy, Luther, Velma, Parcellus and Ceasar Parker, as citizens of the Creek Nation.

Respectfully,

Commissioner in Charge.

CR EN 655

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6-6-41

BK

CR EN 655

CR EN 656

CR EN 656

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 22, 1904.

In the matter of the application for the enrollment of Celia Wiggins as a citizen by blood of the Creek Nation.

CELIA WIGGINS, being duly sworn, testified as follows:

By Commission:

- Q How old are you? A I don't know my age.  
Q About how old? A Over fifty.

The applicant appears to be more than fifty and may probably be sixty years of age.

- Q What is your post office address? A Depew.  
Q Do you make application to be enrolled as a citizen of the Creek Nation? A Yes, sir.  
Q By blood? A Yes, sir.  
Q To what town in the Creek Nation do you claim to belong? A Broken Arrow.  
Q Did you ever draw any money from the Creek Nation? A No, sir.  
Q Did you ever go before any authority to see about your citizenship? A I have never been before the Dawes Commission.  
Q Where did you go? A No where.  
Q Ever been before the Creek Council of the Creek Nation or anything of that kind? A No, sir.  
Q Where do you live? A In the Creek nation.  
Q How long have you lived in the Creek Nation? A About four or five years.  
Q Where did you live before that? A In Texas.  
Q How long did you live in Texas? A I don't know how long. Been a great while.  
Q Did you live in the Creek Nation before four or five years ago? A No more than passing.  
Q How much Creek blood do you claim to have? A My father and mother were both Indians by blood.  
Q How much do you claim? A I don't know. My mother and father were both Indians.  
Q You don't claim to be a full blood do you? A I claim injun by blood.  
Q Was your mother a full blood? A Yes, sir.  
Q Was your father a full blood? A Yes, sir.

The applicant has the appearance of not being a full blood Creek Indian and it is clear that she is not.

- Q How long has your name been Wiggins? A Ever since directly after the War.

The 1890 Authenticated Tribal Roll of the Creek Nation, Broken Arrow Town, examined and the applicant not identified on that Roll, nor is she identified on the 1891 Omitted Roll of the Creek Nation.

- Q Do you claim that your father was a Creek Indian or some other kind of an Indian? A Creek.  
Q Do you claim that you mother was a Creek? A Creek.

The 1895 Pay Roll of the Creek Nation examined and the applicant not identified thereon.

The 1896 Omitted Roll of the Creek Nation examined and the applicant not identified on that Roll.

Celia Wiggins--2.

The record of proceedings of the Commission, under the act of June 10, 1896, examined and it does not appear that application was made for citizenship, to said Commission, for the applicant herein, under said act.

The record of the Colbert Commission examined and it does not appear that application was made to said Commission, by the applicant, for citizenship in the Creek Nation.

---::000::---

I, Drennan C. Skaggs, on oath state that the above and foregoing is a full, true and correct transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs.

Subscribed and sworn to before me this 16th day of September, 1904.

Edward Herrick.  
Notary Public.



En. 686.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, MARCH 31, 1905.

-ooOoo-

In the matter of the application for the enrollment of Celia Wiggins, as a citizen by blood of the Creek Nation.

JOHN McINTOSH, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

On January 5, 1905, the Commission rendered a decision denying the application for the enrollment of said Celia Wiggins as a citizen by blood of the Creek Nation.

February 15, 1905, the case was remanded by the Department and the Commission was directed to readjudicate same.

- Q What is your name? A John McIntosh.  
Q How old are you? A 71.  
Q What is your postoffice address? A Fame.  
Q Do you know Celia Wiggins? A Yes, sir, but I never saw her until I saw her here. About two years ago, I think it was, they went to my house---Tom Adams pretended to be attorney for her--- I knew nothing about her.  
Q Did she tell you the name of her father? A Yes, she said it was John McIntosh.  
Q What relation is John McIntosh to you? A He is my uncle ---a brother to my father.  
Q Was he a full blood Indian? A He was what they call a quarter.  
Q Was his father a full blood Creek Indian? A His father was a half breed and his mother was full blood, that makes him one fourth about.  
Q Do you know, other than what she has told you, that your uncle, John McIntosh is the father of this woman? A No.  
Q Did she tell you her mother's name? A No, she never told me her name.  
Q Did she tell you that her mother was a full blood Creek Indian? A No, she just said that John McIntosh was her father.  
Q Didn't she say that her mother was an Indian at all? A No, I am seventy-two years old--pretty near seventy-two---and was born across the river in 1833, the 11th day of August. You compare her with my age and she would be pretty old wouldn't she.  
Q Was your uncle, John McIntosh, and your father about the same age? A He was younger than my father.  
Q If your uncle John McIntosh is the father of Celia Wiggins she could not be a full blood Creek Indian could she? A No, John McIntosh was called 1/4 just as I tell you. I knew nothing about her; John McIntosh never did have any children.  
Q Did you know your Uncle John McIntosh? A Yes.  
Q Did he live near you? A Yes.  
Q Did he ever have a wife? A Yes, but never had any children.

Wiggins... #2.

- Q Did he live in the Creek Nation all his life? A He came from Georgia here.
- Q He came from the Creek Nation in Georgia here to the Creek Nation? A Yes.
- Q How long ago did he die? A About forty years ago--may be a little longer.
- Q And he never had any children that you know of? A No.
- Q When he died you were about thirty years old, is that right? A I was about twenty-eight, I recon.
- Q How old a man was your uncle John McIntosh when he died? A I cannot tell you.
- Q Well, did he seem to be about thirty, forty or fifty or how old? A He was a pretty stout man---he was about in the prime of life.
- Q And he never had any children? A No.
- Q Was his wife living when he died? A Yes, and she died about five years after.
- Q Did he ever have any other wife that you know of? A No.
- Q Was the wife that he lived with an Indian? A The wife that he had was brought here along with him from the old country.
- Q What was her name? A Lizzie.
- Q Was she ever called any other name besides Lizzie? A No.

At the request of the applicant the witness, John McIntosh, was subpoenaed to appear before the Commission on the 29th day of March; that on the 30th of March the witness appeared before the Commission together with the applicant in this case; that at the request of the applicant the case was continued until one o'clock of the same afternoon; neither the applicant or this witness appeared at that time.

Said witness appeared this morning without the applicant and requested that his testimony be heard as he desired to get away. The applicant was not represented at this hearing.

Zera Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

*Zera Ellen Parrish*

Subscribed and sworn to  
before me this 1st day of April  
1905.

*Edw. J. [Signature]*  
Notary Public.

En. 656.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, APRIL 21, 1905.

-00000-

In the matter of the application for the enrollment of  
Celia Wiggins as a citizen by blood of the Creek Nation.  
(ADDITIONAL TESTIMONY).

WILEY SUCKEY, being duly sworn, testified as follows  
through MRS. LOMA MERRICK, Official  
Interpreter:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Wiley Suckey.  
Q How old are you? A I don't know.  
(Witness appears to be about fifty-five years old).  
Q What is your postoffice address? A Muskogee, I. T.  
Q Are you a citizen of the Creek Nation? A Yes.  
Q Do you know Celia Wiggins? A Yes.  
Q How long have you known her? A About ten or twelve years.  
Q Did you know her father? A Yes.  
Q What is his name? A John McIntosh; he has an Indian name--  
Yocosto Johnny.  
Q Did you know her mother? A No.  
Q Did you ever see her mother? A No.  
Q Didn't this John McIntosh ever tell you anything about her  
mother? A No.  
Q Did John McIntosh ever have a wife that you know of? A Yes,  
he had a wife.  
Q Was she the mother of this woman, Celia Wiggins? A Celia  
Wiggins is John McIntosh's granddaughter.  
Q What is the name of Celia Wiggins' father? A I don't know.  
Q Do you know the mother of Celia Wiggins? A No, I just heard  
of her.  
Q And you do not know her father do you? A No.  
Q Was that man, John McIntosh; you spoke of a full-blood Indian?  
A I knew he was a full-blood Indian because he told me so.  
Q Do you know if this woman's mother was a full-blood Creek  
Indian? A I only know what I was told. It was Celia Wiggins'  
father that told me that she was a full-blood Indian.  
Q Did you know Celia Wiggins' father? A No.  
Q Then, if you did not know him, how could he tell you that his  
wife was a full-blood Indian? A I just heard that; somebody  
else told me. John McIntosh told me that the mother of Celia  
Wiggins was a full-blood Indian.  
Q Did you ever know the father of Celia Wiggins? A No.  
Q Did you ever hear anything about him? A No.  
Q This woman here, Celia Wiggins-- does she look like a full-blood  
Creek Indian to you? A She looks to me like a full-blood Indian.

Wiggins.. #2.

- Q Do you know the Rev. John McIntosh, an old man about seventy years old, who is now living at Brushhill? A Yes.
- Q Do you know John McIntosh, a man who is about seventy years old and lives at Fane, Indian Territory? A Yes.
- Q What relation is he to the John McIntosh, whom it is stated is the grandfather of Celia Wiggins? A They are cousins, I think.
- Q When John McIntosh was here the other day I asked him the following questions to which he replied:  
"What relation is John McIntosh to you? A He is my uncle-- a brother to my father.  
"Was his father a full-blood Creek Indian? A His father was a half-breed and his mother was a full-blood-- that makes him one-fourth about."
- Q Do you know their family history so well that you can say that that man was a full-blood Creek Indian? A I think that they were full-bloods but they were very fair people.
- Q Did they have any white blood that you know of at all? A I do not believe that they have any white blood.
- Q Did you know the father of Celia Wiggins' grandfather? A His name was John McIntosh also.
- Q Was he a full-blood Indian? A Yes, he was Chief of his Tribe down in Alabama.
- Q Are you related to that family in any way? A No.

RICHARD BRUNER, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Richard Bruner.
- Q How old are you? A I can not tell--about-- well, I can't tell.
- Q Well, about how old are you? A I was twenty-two when the war broke out.
- Q Do you know Celia Wiggins? A Yes, I know her.
- Q How long have you known her? A Ten or eleven years.
- Q Did you know her father? A No. I heard about the McIntosh's all right; I know them but I do not know her father.
- Q You do not know her father at all? A No; I know Chilly and John McIntosh.
- Q Do you know her mother? A No.
- Q Do you know who she says her mother was? A No; when they came to this country they was inclined to McIntosh -- I met him at the General Council at Okmulgee. I know two John McIntosh's-- one lives at Tallahassee Mission and one lives close to Bufaula.
- Q Are you connected with the McIntosh family? A No, not a bit.
- Q Do you know the McIntosh family down in Alabama? A No, I was born in this country. I did not know them until they came to this country.
- Q Do you know the man that you claim is her father or grandfather? A That is what I can not tell; I do not know her father, but I guess John McIntosh is the one claiming that part. John McIntosh-- that is what they told me and I told her that there was two, one at Bufaula and one at Tallahassee Mission, and I did not know which one it was, and that is what passed between us.

Wiggins.. #3.

- Q Is that all that you know about it? A Yes; this old man John out here I know him well; we used to stay close by.

TOBE McINTOSH, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Tobe McIntosh.
- Q What is your age? A I do not know it very straight, but I am about seventy I guess.
- Q What is your postoffice address? A Muskogee, Indian Territory.
- Q Do you know Celia Wiggins? A I got acquainted with them here about seven or eight years ago is about all that I know. I know her when I see her.
- Q Do you know the man whom she claims is her father? A Yes, that was my owner.
- Q What is his name-- the man she claims as her father? A I do not know the man she claims as her father, but I know the man claimed as her grandfather. His name is John McIntosh.
- Q Is that the father of her mother? A Yes.
- Q Were you born in this country or Alabama? A Alabama.
- Q Did you know that John McIntosh back in Alabama? A Yes, they brought me here to this country.
- Q Did you ever see his father? A No-- Billy McIntosh; no. I heard talk of him as Chief but he was killed before I saw him.
- Q Was your owner, John McIntosh, a full-blood Creek Indian? A I do not know.
- Q Did he have any white blood at all? A I can not swear that he did or that he did not. He was just as brown as that woman (pointing to Celia Wiggins), and he had right black hair.
- Q Was he a full-blood? A Yes.
- Q And did he have any white blood at all? A I do not know that.
- Q That was Celia Wiggins' grandfather? A Yes, that is what they claim.
- Q Did you know Celia Wiggins' mother? A I seen her away back there; she was John McIntosh's wife.
- Q You said that John McIntosh was Celia Wiggins' grandfather? A Yes.
- Q Then Celia Wiggins' mother was his daughter was she not? A That woman's mother (pointing to Celia Wiggins) was John McIntosh's daughter.
- Q That woman's mother was John McIntosh's daughter? A Yes.
- Q How do you know that? A It is just what he said himself.
- Q What did he say? A He said he left her and Liza back there when they came back here, and he started there to go and bring this woman they call Hannah, and when they came back he did not bring Hannah but brought Liza.
- Q Was Hannah the mother of this woman? A Yes.
- Q But they did not bring her? A No.
- Q Do you know whether Hannah was a full-blood Creek Indian? A Yes.
- Q Did she have any white blood at all? A Not that I knows of.
- Q Did you know this woman's father? A That woman's father--yes. No; I do not know her father.

Wiggins.. #4.

- Q Was this woman's mother John McIntosh's wife? A I do not know.  
Q But a little while ago you said that you saw her mother back there in Alabama and that she was John McIntosh's wife? A That I don't know.  
Q Why did you say that? A I--- I guess I don't know. I either made a mistake or you misunderstood me.

WILEY SUCKEY, re-called, testified as follows through  
MRS. LONE MERRICK, Official Interpreter:

EXAMINATION BY THE COMMISSION:

- Q Do you know John McIntosh's wife Hannah? A No, I do not know her.  
Q Do you know the father of Celia Wiggins? A No, I do not know him.

CELIA WIGGINS, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Celia Wiggins.  
Q How old are you? A I don't know.  
(Witness appears to be about fifty and probably sixty years old).  
Q What is your postoffice address? A Depew, Indian Territory.  
Q What is the name of your father? A John McIntosh.  
Q The name of your father? A Father-- his name was John.  
Q John McIntosh? A Yes.  
Q What was the name of your mother? A Judy McIntosh.  
Q What was the name of your mother's father, or your grandfather?  
A His name was John McIntosh, too. My mother's father was John McIntosh.  
Q And your father's name was John McIntosh too? A Yes, and Yocosto Johnny was his Indian name.  
Q Your father was called John McIntosh, too, was he not? A Yes.  
Q Did you hear the testimony of Wiley Suckey and Tobe McIntosh that they have just given here? A I understood part of it.  
Q That said that your mother was a daughter of a man named John McIntosh, and his wife's name was Hannah, is that correct? A Yes.  
Q And you say that your father's name was also John McIntosh, is that correct? A Yes.  
Q Do you know John McIntosh that lives at Fame, Indian Territory-- Preacher John? A Yes.  
Q He says that the man that you claim to be your father is a brother of his father, is that correct? A Yes.  
Q What was the name of your father's father? A I can not tell you that it has been so long.  
Q You said that your father was a full-blood Creek Indian, did you not? A Yes.  
Q Do you know who his mother was? A No.  
Q How do you know that he was a full-blood Creek Indian if you do not know who his father or mother was? A Well, they say that he was a full-blood Indian.



Wiggins.. #8.

- Q Who said that he was a full-blood Indian? A All the older heads said that he was; this one that died over here at Tallahassee said that he was a full-blood.
- Q John McIntosh, Preacher John, says that the man that you claim for your father is his uncle, that he was a brother to his father-- a brother of Preacher John's father. I asked him if he was a full-blood Indian and he said he was what they called a quarter-- I asked him if his father was a full-blood Creek Indian and he said that his father was a half-breed and his mother was a full-blood, and that would make him about one fourth. Now, do you know enough about the family history to contradict that statement? A I do not know.
- Q Who was your mother's mother and what was her nationality? A My mother's mother? Yes, your mother's mother-- who was she? A Tobe (speaking to Tobe McIntosh) what was her name?
- Q Do not ask him. I want to know if you know? A I have forgotten; my mind is just plum scattering.
- Q Do you know anybody in the Creek Nation who knows that you are the daughter of John McIntosh? A I might find somebody-- some of the older heads.

The applicant is notified that the Commission desires further testimony from Rev. John McIntosh whose postoffice address is Fame, Indian Territory; that the Commission also desires testimony from witnesses who knows her to be the daughter of persons that she claims for her parents; for this purpose thirty days from date is allowed.

Zera Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Subscribed and sworn  
to before me this 27th  
day of May, 1905.

Zera Ellen Parrish  
E. W. Griesel  
Notary Public



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskegee, Indian Territory, August 7, 1905.

In the matter of the application for the enrollment of  
Celia Wiggins as a citizen by blood of the Creek Nation.

Cheesie McIntosh, being duly sworn, testified as follows:

By Commissioner.

Q What is your name? A Cheesie McIntosh.  
Q What is your age? A 56  
Q What is your post office? A Checotah.  
Q What is your occupation? A I am a lawyer by profession  
Q Do you hold any official position in the Creek Nation at present  
A I am superintendent of Creek schools  
Q Are you related to the Rev. John McIntosh? A He is my first  
cousin by half blood. His father and my father were half brothers  
Q Do you get your name McIntosh from the same ancestor he does?  
A Yes, sir  
Q I wish you would state from your knowledge of the family  
history and tradition whether the McIntosh from whom you and  
John McIntosh are descended was a full blood Creek Indian?  
A No, sir, he was not  
Q He had white blood in him? A Yes, sir, our grandfather was  
half white and half Indian  
Q The name of McIntosh comes from the white side of the family?  
A Yes, sir  
Q And this marriage of the McIntosh into the Creek Indians did  
that take place in Alabama or here? A This marriage between the  
white man McIntosh and Creek woman occurred east of the Mississ-  
ippi, in Georgia I think  
Q Do you know of William or Billy McIntosh who was at one time  
a chief of one of the Creeks? A Yes, I knew of him, he was at  
one time chief of the lower Creeks. He was my grandfather  
Q He was assassinated? A Yes, he was killed by the Creeks  
for making a treaty with the United States exchanging the  
Alabama territory for the land here.  
Q Was he a full blood Indian? A He was not. He was a half breed  
Q Do you know the applicant in this case Celia Wiggins? A No, sir.  
Q Do you know of an uncle of your cousin John McIntosh who is  
also called John McIntosh? A No, sir, I do not

Anna Garrigues, being duly sworn, states that the above  
is a true and correct copy of her stenographic notes taken in  
said cause on said date.

Subscribed and sworn to before me  
this 8th day of August 1905.

Anna Garrigues.  
J  
Edw. C. Friend  
Notary Public.

Rn.656

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, October 4, 1905.

In the matter of the application for the enrollment of  
Celia Wiggins as a citizen by blood of the Creek Nation.

Celia Wiggins, being duly sworn, testified as follows:

Q What is your name? A Celia Wiggins.  
Q What is your age? A I don't know.  
Q What is your post office address? A Depew.  
Q How much Indian blood do you claim to have? A I guess I am  
about a half breed.  
Q You don't claim to be a full blood? A No, sir.  
Q When you gave your first testimony in this case, you stated  
that you were a full-blood Creek Indian, that your father was a  
full-blood and your mother was a full-blood, did you mean to make  
that statement? A No, sir.  
Q Was your father a full-blood? A Yes, sir.  
Q Was your mother a full-blood? A No, sir.  
Q How much Indian blood did she have? A I couldn't tell you.  
Q Did she have any Indian blood at all? A Some but I don't know  
how much.  
Q Did she look like a full-blood Creek Indian or was she a black  
woman or a white woman? A It's been so long I couldn't hardly  
tell you.  
Q But you are certain she wasn't a full blood Indian are you?  
A Yes, sir.

I, Anna Garrigues, on oath state that the above is a full, true  
and correct transcript of my stenographic notes as taken in  
said cause on said date.

*Anna Garrigues*

Subscribed and sworn to  
before me this 4th day of October  
1905.

*Edw. B. Sweeney*  
Notary Public.

*d. d.*

En. 656

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Celia Wiggins as a citizen by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on August 22, 1904, Celia Wiggins appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a citizen by blood of the Creek Nation.

The evidence shows that the applicant is not a full blood Creek Indian.

It does not appear from the evidence that the applicant has ever been enrolled as a citizen of the Creek Nation, nor has she ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of this Commission that there is no authority of law for the enrollment of said Celia Wiggins as a citizen by blood of the Creek Nation and that the application for her enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Chairman

  
Commissioner

*C. R. Buckenridge*  
Commissioner

Muskogee, Indian Territory.

WMS

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Celia Wiggins as a citizen by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that on August 22, 1904, Celia Wiggins appeared before the Commission to the five Civilized Tribes at Muskogee, Indian Territory, and made application for enrollment as a citizen by blood of the Creek Nation; that on January 5, 1905, said Commission rendered a decision denying said application, and that on January 17, 1905, the record and decision in the case were forwarded to the Department for review and final decision.

The record further shows that on February 15, 1905, the Department remanded the case for readjudication. Further proceedings were had March 31, April 21, and August 7, 1905 and October 4, 1905.

The evidence shows that the applicant is not a full blood Creek Indian.

It does not appear from the evidence that the applicant has ever been enrolled as a citizen of the Creek Nation, nor has she ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Celia Wiggins as a citizen by blood of the Creek Nation, and the application for her enrollment as such is accordingly denied.

  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,

OCT 12 1905

252

Creek An 656

Muskogee, Indian Territory, January 17, 1905.

Colia Wiggins,

Denow, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

JY-17-8.

W. H. H.

Creek An 656

Muskogee, Indian Territory, January 17, 1905.

Mr. L. Scott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

I herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of John A. Lewis as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and approval. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

BY 117-81.

Creek En 656

Muskogee, Indian Territory, January 17, 1906.

The Honorable.

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Celia Wiggins as a citizen by blood of the Creek Nation, including the decision of the Commission, dated January 5, 1905.

Respectfully.

Chairman.

Through the  
Commissioner of Indian Affairs.

JY: -17-82.



652  
I.T.D. 1014-1905.

PER. WCT. LRS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, February 15, 1906.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

January 17, 1906, you transmitted the record in the matter of the application of Celia Wiggins for enrollment as a citizen by blood of the Creek Nation, including your decision of January 5, 1905, which was adverse to the applicant.

In your decision you state that "The evidence shows that the applicant is not a full blood Creek Indian". The record shows that the applicant was the only witness examined. In her testimony she states that both her father and mother were full blood Creeks. The only thing in the record which contradicts the applicant's statement is the statement made by the Commission that "The applicant has the appearance of not being a full blood Creek Indian and it is clear that she is not."

Reporting January 27, 1905, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

Inasmuch as your decision was apparently rendered under a misunderstanding as to the testimony submitted showing that the applicant is a full blood Creek, the case is remanded and it is desired that you readjudicate the same.

Respectfully,  
(Signed) B.A. Hitchcock,

2 inclosures.

Refer in reply to the following:  
Land: 8239-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, January 27, 1905.

The Honorable,  
The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 17, 1905, transmitting the record of the application, made August 22, 1904, for enrollment as a citizen by blood of the Cherokee Nation by Celia Wiggons.

January 5, 1905, the Commission decided adversely to the applicant.

The record shows that no prior application has been made; that the applicant is not a full blood Creek Indian and that she has never been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's ~~statute~~ decision adverse to the applicant is recommended.

Very respectfully,

C.F. Larrabee,  
Acting Commissioner.

M.M.M.W.

✓  
Or En 656

Muskogee, Indian Territory, February 27, 1905.

Celia Higgins,

Depew, Indian Territory.

Dear Madam:

You are advised that on February 15, 1905, the Secretary of the Interior remanded the matter of your application for enrollment as a citizen by blood of the Creek Nation, for readjudication.

You are hereby notified to appear before the Commission on March 15, 1905, at its office, in Muskogee, Indian Territory, for the purpose of introducing evidence as to the degree of Creek Indian blood claimed by you.

Respectfully,

Chairman.

Register.

Cr Sn 656

Muskogee, Indian Territory, May 10, 1905.

Celia McIntosh,

Depew, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of April 28, 1905, by reference from the Secretary of the Interior, in relation to your application for enrollment as a citizen by blood of the Creek Nation.

From an examination of the records of the Commission it is presumed that you are the same person as Celia Wiggins, whose application for enrollment as a citizen of the Creek Nation is now pending.

In reply you are advised that at the close of the testimony in your case of April 21, 1905, you were allowed thirty days from that date within which to submit testimony of witnesses who know that you are the daughter of the persons you claim as your parents. You are also advised that additional testimony is desired from the Reverend John McIntosh, whose postoffice address is given as Pame, Indian Territory.

Respectfully,

Chairman.

656

Muskogee, Indian Territory, May 24, 1905.

Celia Wiggins,

Depew, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a citizen of the Creek Nation, you are advised that you will be allowed thirty days from date within which to produce further evidence in said case.

Respectfully,

Chairman.

Copy .

Depew, I.T. June 23 -06.

To the Commission of the Five Civilized Tribes,

I take much pleasure in writing you a few lines to enform of my health I am not so well just now I am aware of the time being expired that you gave me to appear before you with additional evidence Dear Sir let me Say to you my case is in your hands and I have been before you so many times with different ones who will tell me that they have a knowledge of my mother and father and when I gits them to Come before you it has Cost me so much money untill ~~now~~ I am afraid to ask anything of them to do anything for me along that line Now it may look to you as If I wanted some one to Sware lies for me but I learnt through some of these people where my relation was and I at a large expense went and hunted them up and had a understanding with them that they would see that I was enrolled It seems that all this has failed. and others today Claims to know all about the Older ones of my ~~family~~ people and yet for all this I am unable to pay them to testify to what they know about it. Now will you please to consider my case my mother was Indian I am unable to say wheather She was three quarter or hald breed my father was Call full blood Now I hope I will not worry you First Consider my case and then consider my condition. I do not want to present to you any fake witness ~~in~~ now I am going to ask you one thing not as I believe that money will place me on the Roll but as I have gone so far and has spent so much money and as the time is almost closed on

-2-

Now if there is any chance for you to enroll me write soon and let me know and I will come down and try to make it satisfactory with you please let me hear from you at once. No More I Remain

Yours as ever,

(Signed) Celia Wiggins.

please write at once.



7654

36405.

Department of the Interior,  
received Jul 18 1905  
No. 6603 Indian Territory  
Division .

Depew, Ind.Ter. July 12, 1905.

honorable hitchcock,

Dear Sir I will now write to you for enformation hoping you will answer me I was notified by the Commissioner to appear on the 24 of June to give more additional Evidence I were unable at that time to appear I wrote to them Stating that I were not well and also It had cost me so much untill I were not able to appear and for the additional evidence I give evidence of these who stated that they new whom I claimed as my father and mother. Now there are but a few of the Older heads that are living that knows all about my people there are quiet a number of the Indians who claims to know all about my mother and father but seems it is from what the older ones said tob MCintosh stated that he knew all of the older heads of the McIntoshes he is and man came from alabama with the tribe he is part Indian himself Wyly Maf Book also stated that he was acquainted with all of the older heads of the MCintoshes Wyly claims that he know when my father came to the Creek Nation he stated that my father went back to alabama they thought he was going back after his family and he brought back his cousin and left me and my mother behin John MCintosh preacher stated that he knew Yacchuchee John. My father I taken this place for my allotment 5 years ago and it was filed on by the Snakes since I was on it. now please advise me what will will become of my home here. Expecting to hear from you

2-

soon I remain as Ever,

Celia Wiggins.

Depew, Ind.Ter.

Now please allow me to say this and dont think hard of me for writting on the 23rd of June I I written my statements to the Commissioner why I could not appear on the 24 and I never got any answer I were told that my case would be closed out this is why I am writing héping to hear from you soon.

En. 686.

Muskogee, Indian Territory, July 17, 1906.

Celia Wiggins,  
Depew, Indian Territory.

Dear Madam:

Receipt is acknowledged of your communication of June 23, 1906, relative to your right to enrollment as a citizen of the Creek Nation.

In reply you are again advised that this office desires the testimony of members of the McIntosh family relative to your claim to being a member of said family, and also to the degree of Indian blood possessed by your father and mother.

Respectfully,

Commissioner.

656  
Cr En 584

Muskogee, Indian Territory, August 1, 1905.

Cella Wiggins.

Depew, Indian Territory.

Dear Madam:

Receipt is acknowledged of your communication of July 12, 1905, by reference from the Secretary of the Interior, relative to your application for enrollment as a citizen of the Creek Nation, in which you state that you are unable to appear at this office for the purpose of giving testimony in your case on the day set. You ask that you be given further time within which to submit evidence in the case.

In reply you are advised that you will be allowed thirty days from date within which to appear at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, with at least two members of the McIntosh family, to which you claim to belong, and such other witnesses as are able to identify you as the person you claim to be. The testimony of members of said McIntosh family as to the degree of Creek blood possessed by you is particularly desired.

Respectfully,

Commissioner.

Gr. In. 656.

Muskogee, Indian Territory, October 13, 1908.

Celia Wiggins,

Denew, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of your application for enrollment as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Cr.En.656

Muskogee, Indian Territory, October 13, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Celia Wiggins as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-6

Cr. Ma. 656

Muskogee, Indian Territory, October 12, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Golia Wiggins as a citizen by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1905.

Respectfully,

Commissioner.

Through the

Commissioner of Indian Affairs.

AG-7



Mn. 656

Muskogee, Indian Territory, November 1, 1906.

Gelia Wiggins,  
Depew, Indian Territory.

Dear Madam:

Receipt is acknowledged of your letter of October 18, 1906, by reference from the Secretary of the Interior, relative to your right to enrollment as a citizen by blood of the Creek Nation.

In reply you are again advised that the matter of the application for your enrollment as a citizen by blood of the Creek Nation, is pending before the Secretary of the Interior and that when final action is had in the matter, you will be duly notified.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR

WASHINGTON November 18, 1908

14092-1908  
LRS

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

October 12, 1908, you resubmitted the papers in the matter of the application for the enrollment of Celia Wiggins as a citizen by blood of the Creek Nation, including your decision of October 12, 1908, rejecting said application.

Reporting November 11, 1908, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The department concurs in said recommendation and your decision is hereby affirmed.

Respectfully,  
THOS. BURN

First Assistant Secretary

1 inclosure

Refer in reply to the  
following file  
88808-1908

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Nov. 21, 1908

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated October 18, 1908, transmitting the record of the application for enrollment as a citizen by blood of the Creek Nation, of Gelia Wiggins.

October 18, 1908, the Commissioner decided adversely to the applicant.

The record shows that on January 8, 1908, the Commission to the Five Civilized Tribes rendered a decision adverse to the applicant, and that on February 18, 1908, (I.T.D. 2014-08) the Department remanded the case for readjudication. It is further shown that the applicant is not a full blood Creek Indian, and it does not appear that she has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation, or by any United States tribunal.

In view of the record, the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee  
Acting Commissioner

M H M NL

En. 656

Muskogee, Indian Territory, November 27, 1906.

Celia Wiggins

Depew, Indian Territory.

Dear Madam:

You are hereby notified that under date of November 18, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1906, denying your application for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

No. 656

Muskogee, Indian Territory, November 27, 1905:

M. L. Mott,  
Attorney for Creek Nation,  
Muskogee, Indian Territory:

Dear Sir:

You are hereby notified that under date of November 16, 1905, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1905, denying the application of Oelia Wiggins for enrollment as a citizen by blood of the Creek Nation:

Respectfully,

Acting Commissioner:

OR EN ESP

OR EN 657

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I/T., August 23, 1904.

In the matter of the application for the enrollment of Wiley Riley et al., as citizens by blood of the Creek Nation.

APPEARANCES: A. S. McRea, Atty. for applicants:

WILEY RILEY, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Wiley Riley.  
Q How old are you? A Thirty-eight.  
Q What is your post office address? A Muskogee.  
Q Do you make application for enrollment as a citizen by blood of the Creek Nation? A Yes, sir.  
Q That is what you are doing now? A Yes, sir.  
Q Were you ever before this Commission before this? A No, sir.  
Q Is there any one else you want to apply for? A My children.  
Q How many children have you that you wish to apply for? A ~~Five~~ *Five*  
Q Are they all living? A Yes, sir.  
Q What is the name of the oldest? A Winfield Scott Riley.  
Q How old is he? A Thirteen.  
Q What is the name of the next? A Freddie.  
Q How old is Freddie? A She is eleven.  
Q That is a girl is it? A Yes, sir.  
Q What is the name of the next? A Velma.  
Q How old is she? A Nine.  
Q What is the name of the next one? A Bruce.  
Q How old is he? A Seven.  
Q What is the name of the next? A Etta.  
Q How old is she? A Four.  
Q What is the name of the mother of these children? A Josephine.  
Q Is she living or dead? A Living.  
Q Do you claim that she has any rights in the Creek Nation? A No, sir.  
Q State woman? A Yes, sir.  
Q Where do you live? A In the Creek Nation.  
Q How long have you lived in the Creek Nation? A Going on two years.  
Q Where did you come from? A Texas.  
Q How much Creek Blood do you claim to have? A Seven eighths.  
Q You don't claim to be a full blood Creek Indian? A No, sir.  
Q Where were you born? A In the Creek Nation.  
Q How long did you live in the Creek Nation after you were born? A I was fifteen year old when I left here.  
Q Where did you go then? A Texas.  
Q Did you live in Texas all the time until two years ago? A Traveled back and forth.  
Q Where was your home? A Texas.  
Q To what town in the Creek Nation do you claim to belong? A Thleavathle.  
Q Did you ever draw any money from the Creek Nation? A No, sir.  
Q I understand you to say that you lived in the Creek Nation from the time of your birth until you were about fifteen years old? A Yes, sir.  
Q Did you live in the Creek Nation? A Yes, sir.  
Q Did you ever have a home in the Creek Nation from that time up to about two years ago? A Well, my parents---  
Q I am not asking about your parents I am asking about you. Did you ever have a home in the Creek Nation from the time you were fifteen years old to about two years ago? A Where I stayed I claim



Wiley Riley et al.,--2.

it was my home. My parents live here.

Q Did you have a home in Texas? A I have a little home there and I sold it.

Q How long did you own that home? A About three years.

Q What was the name of your father? A Peter Riley.

Q Is he living or dead? A Died.

Q How long has he been dead? A Died when I was young. I suppose he has been dead twenty-five years.

Q What was the name of your mother? A Annie.

Q Is she living or dead? A Dead.

Q How long has she been dead? A Near about the same.

Q Was your father a citizen of the Creek Nation? A Yes, sir.

Q By blood? A Yes, sir.

Q Was your mother a citizen of the Creek Nation? A Yes, sir.

Q Was your father a full blood? A Yes, sir.

Q Did you say your mother was a half blood? A Yes, sir.

The 1890 Authenticated Creek Tribal Roll examined and none of the applicants identified on said roll.

The 1891 Omitted Roll examined and none of the applicants identified on said roll.

The 1895 Pay Roll of the Creek Nation examined and none of the applicants identified on said roll.

The 1898 Omitted Roll examined and none of the applicants identified thereon.

By Mr. McHear:

Q How long after your father and mother died was it before you left the Creek Nation? A Well, I left with some people about--- well about four or five years.

Q Who did you go out of the Creek Nation with? A People by the name of Hargre.

Q Were they Creek Citizens? A Yes, sir, I guess they were.

Q Have you ever claimed any other place your home, other than the Creek Nation? A Never have.

Q When you returned back from Texas to the Creek Nation, two years ago, as you have stated, was there any particular reason why you returned back. Was there any purpose? A Yes, sir.

Q State what that purpose was? A To look after my citizenship.

Q You claim that you are about 7/8 Creek Indian? A Yes, sir.

Q You represent that your father was a citizen of the Creek Nation?

A Yes, sir.

Q Living in Thlewathle Town? A Yes, sir.

TOBE McINTOSH, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Tobe McIntosh.

Q How old are you? A Seventy or seventy-one I don't know correct.

Q What is your post office address? A Muskegee.

Q Do you know Wiley Riley? A I did.

Q Do you know him now? A Yes, sir. I know him now.

Q How long have you known him? A Known him when he was 12 or 13 year old boy and I seen him and recognized him that is all.

Q Did you know his father? A Yes, sir.

Q What was his name? A Peter Riley.

Q Was he a citizen of the Creek nation? A Yes, sir.

Q What town did he belong to? A Thlewathle.

Q He is dead is he? A Yes, sir.

Q How long has he been dead? A I can't tell you that.

Q What was the name of Wiley's mother? A Ann.

Q What town did she belong to? A Sam town.

Q She is also dead is she? A I don't know---Yes, she is dead--- I don't know whether the old man died first or she did.

Q Wiley Riley was out of the Creek nationa good while wasn't he? A Oh! Yes, sir.

Wiley Wiley at all, --B.

Q Did you know him before he went out? A I knew him before he went away.

Q Do you know whether this is the same boy? A Same boy. He was big enough that any one would recognize him. Not the face of his head. Any one seen him and Peter Wiley would say that boy was him to him.

The attorney for the applicant asks for thirty days time within which to introduce further evidence in this case and it is granted.

==00000000==

I, BRENNAN G. BRIDGE, do oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Brennan G. Bridge

Subscribed and sworn to before me this 17 day of September, 1904.

Edmund A. Morris  
Notary Public

8.10.  
1904  
En, 689.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Wiley  
Riley et al., as citizens by blood of the Creek Nation,

a) SUPPLEMENTAL STATEMENT :-

Records of the proceedings of the Colbert Commission in the  
possession of the Commission examined and it does not appear that appli-  
cation was made to said Commission for the admission of the applicants  
herein, or any of them, to citizenship in the Creek Nation.

Records of the proceedings of this Commission under authority  
of the Act of Congress of June 10, 1896, examined and it does not appear  
that application was made to said Commission for the admission of the  
applicants, or any of them, to citizenship in the Creek Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES



CHAIRMAN.

Muskogee, Indian Territory.

November 19, 1904.

S.D.

No. 657.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Wiley, Winfield Scott, Fredie, Velma, Bruce and Etna Riley as citizens by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on August 23, 1904, Wiley Riley appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his five minor children, Winfield Scott Riley, Fredie Riley, Velma Riley, Bruce Riley and Etna Riley, as citizens by blood of the Creek Nation. Further proceedings were had November 17, 1904.

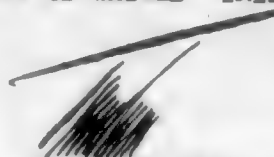
At the conclusion of the testimony of August 23, 1904, the applicants were granted thirty days time in which to introduce further evidence. No further evidence has been offered by the applicants.

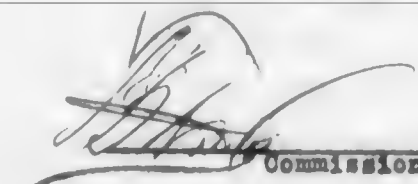
The evidence shows that none of the applicants are full blood Creek Indians and that no claim is made that the mother of said minor children, Winfield Scott Riley, Fredie Riley, Velma Riley, Bruce Riley and Etna Riley is entitled to enrollment as a citizen of the Creek Nation.

It does not appear from the evidence that the applicants, or any of them have ever been enrolled as citizens of the Creek Nation, nor have they, or any of them, ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of this Commission that there is no authority of law for the enrollment of said Wiley Riley, Winfield Scott Riley, Fredie Riley, Velma Riley, Bruce Riley and Etna Riley, or any of them, as citizens by blood of the Creek Nation and that the application for their enrollment as such should be denied, and it is so ordered.

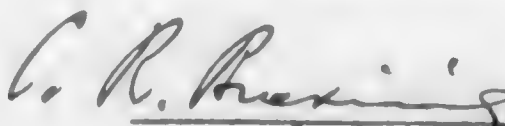
COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Chairman

  
Commissioner

Muskogee, Indian Territory.

MAR 1 - 1905

  
Commissioner

UP An 607

Muskogee, Indian Territory, March 2, 1900.

Wiley Riley,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, Winfield Scott, Freddie, Velma, Bruce and Alva Riley, as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register.  
JYM-B-B.

WHL  
OF HA 657

Muskogee, Indian Territory, March 2, 1908.

Mr. A. Mott,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

SIR:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Wiley Wiley, et al., as citizens by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

JYN:ew.

sent  
OF AN 687

Muskogee, Indian Territory, March 2, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Wiley Wiley, et al., as citizens by blood of the Creek Nation, including the decision of the Commission, dated March 1, 1908, denying said application.

Respectfully,

Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.

JYN-2-7.



I.T.D.2644-1906.

INN.

DEPARTMENT OF THE INTERIOR,  
Washington, April 18, 1906.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

March 8, 1905, you transmitted the record in the matter of the application for the enrollment of Wiley Wiley and his minor children, Winfield Scott, Fredie, Velma, Bruce and Nina Wiley, as citizens by blood of the Creek Nation, including your decision of March 1, 1905, which was adverse to the applicants.

Reporting March 14, 1906, the Indian Office recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Theo. Ryan,  
Acting Secretary.

1 inclosure.

Refer in reply to the following:  
Land 17756-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, March 14, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated March 2, 1905, transmitting the record of the application for enrollment as citizens by blood of the Creek Nation by Wiley Riley for himself and his five minor children, Winfield Scott, Freddie, Velma, Bruce and Etta Riley.

March 1, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants is a full blood Creek Indian, and no claim is made that the mother of the minors is entitled to enrollment as a citizen of the Creek Nation.

It does not appear that any of the applicants has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. B. Iarrabee,

Acting Commissioner.

M. M. W.  
W.

S. 24  
Cr. No. 657.

Muskogee, Indian Territory, April 22, 1905.

Wiley Riley,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of April 12, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of yourself and children, Winfield B., Freddie, Velma, Bruce and Etta Riley, as citizens by blood of the Creek Nation.

Respectfully,

Chairman.

*S. L.*

Or.En.657.

Muskogee, Indian Territory, April 22, 1905.

M. L. Mott,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of April 12, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of Wiley Riley and his minor children, Winfield S., Fredie, Velma, Bruce and Ntna Riley, as citizens by blood of the Creek Nation.

Respectfully,

Chairman.

CR EN 658

CR EN 658

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I/T., August 24, 1904.

In the matter of the application for the enrollment of Steve Carr et al., as citizens by blood of the Creek Nation.

APPEARANCES:  
M. E. P. Stanford, Atty. for applicants,  
( M. L. Mott, Atty. for Creek Nation.

STEVE CARR, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Steve Carr.  
Q How old are you? A Going on forty-three.  
Q What is your post office address? A Okmulgee.  
Q Do you make application for enrollment as a citizen by blood of the Creek Nation? A Yes, sir.  
Q By blood? A Yes, sir.  
Q What town do you claim to belong to? A Hitchitee.  
Q Have you got some children you want to apply for? A Yes, sir.  
Q What is the name of the eldest? A Fannie Gertrude.  
Q How old is she? A Seventeen.  
Q What is the name of the next? A John D. Carr.  
Q How old is he? A Twelve.  
Q What is the next one? A Laura.  
Q How old is she? A Eight.  
Q What is the next one? A Mena.  
Q How old is Mena? A Four.  
Q What is the name of the mother of these children? A Lucy Carr.  
Q Do you claim that she has any rights in the Creek Nation? A No, sir.  
Q State woman is she? A Yes, sir.  
Q Where do you live? A I live close to Okmulgee.  
Q In the Creek Nation? A Yes, sir.  
Q How long have you lived in the Creek Nation? A About six years.  
Q Where did you live before that? A Texas.  
Q Where were you born? A Texas.  
Q Did you live in Texas all your life until you came here six years ago? A Well, I lived out in the Strip a while.  
Q Did you ever live in the Creek Nation until you came here six years ago? A No, sir.  
Q Did you ever draw any money from the Creek Nation? A I don't know. My father sent me some money once from here. He told me that was some money coming to me.  
Q How much was it? A \$12.00.  
Q What was the name of your father? A Dave Carr.  
Q Was he a citizen of the Creek Nation? A Yes, sir.  
Q What town did he belong to? A Hitchitee.  
Q Were you ever admitted to citizenship in the Creek Nation? A No, sir.  
Q What was the name of your mother? A Fannie.  
Q Is she living or dead? A Dead.  
Q How long has she been dead? A I don't know. I was a small boy about fifteen years old.  
Q Where did she die? A Texas.  
Q Was she a state woman? A Yes, sir.  
Q How long has your father been dead? A I don't know. About 11 years. I aint right sure.  
Q You say he belonged to Hitchitee Town? A If I aint mistaken.

Steve Carr et al.,--2.

Q Do you know who is the Town King of the town he belonged to? A Yes, sir.

Q Who? A Tom Adams.

Q That is Ketchapataka? A No response.

Q When was that your father sent you that money? How long ago has it been? A Been a long time. I can't hardly recollect when.

Q Was you a man grown? A No, sir, I was a boy.

Q Did you make application to this Commission about six or seven years ago? A No, sir, I never.

The record of the proceedings of the Commission, under the act of June 10, 1896 (29 Stat., 321), shows that application was made to said Commission by Steven Carr for citizenship in the Creek Nation for himself and his children, Fannie G., John D., and Laura Carr; that the application was denied by the Commission and that no appeal was taken from the decision then rendered.

The records of the Colbert Commission examined and it does not appear that application was made to said Commission, for citizenship in the Creek Nation, for any of the applicants herein.

The Tribal Rolls of the Creek Nation, in the possession of the Commission, examined and none of the applicants herein identified on any of said Rolls.

By Mr. Stanford.

Q What occurred at the time this money was sent to you. How did you get it and what was said with reference to it? A My aunt got a letter from my father and he sent this money and told her that it was some money for his boy.

Q How long did your father, Dave Carr, live in Texas? A Well, I think about five years.

Q How old were you when he left Texas? A About three I think.

Q Do you know where he went to when he left Texas? A Come back here, my mother said.

Q Where to? A Checotah, I think.

Q Did you keep track of his whereabouts after he come back to the Creek Nation? A I did through Mr. Loyd.

Q Who is Mr. Loyd? A President of the First National Bank there.

Q How did he come to be connected with it? A My father used to work for him.

Q Did your father ever try to get you to come back to the Creek Nation? A Yes, sir. My father wrote me. Got a letter through Mr. Loyd to get me to come.

Q Where was your father living at the time he wrote that letter? A Eufaula, I think.

Q How long after that time was it that he sent you this money that you spoke of? A It must have been about four years I think.

Q Did he say how or why you had that money coming to you? A He didn't explain as near as I can recollect but told my aunt that "there was some money that was coming to my boy."

Q How long did your father and mother live together? A Only about five years.

Q Where did you stay from the time your mother died up until the time you became of age? A I stayed right around there where I was born pretty well. Stayed with Loyd most of the time.

Q Was your father living or dead when you came back to the Creek Nation? A When I came here he was dead.

Q Have you any brothers or sisters that are on the rolls? A I have two half sisters.

Q Who are they? A Lidy Carr. She is married now. I reckon it would be Hightower.

By Commission:

Q How much Creek blood have you? A About a quarter.



Steve Carr et al.,--3.

By Mr. Mott:

Q How old were you when you got that money? A About sixteen, I think.

Q How old are you now? A Forty-three.

Q Sixteen from forty-three would be twenty-seven. Then it is twenty-seven years ago that you got that money? A Yes, sir.

---:000:---

I, Drennan C. Skaggs, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 20th day of September, 1904.

Edward Merrick  
Notary Public.

S. D.

En. 658.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Steve Carr, Fannie Gertrude Carr, John D. Carr, Laura Carr and Edna Carr, as citizens by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on August 24, 1904, Steve Carr appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his four minor children, Fannie Gertrude Carr, John D. Carr, Laura Carr and Edna Carr, as citizens by blood of the Creek Nation.

The evidence shows that none of the applicants are full blood Creek Indians and that no claim is made that the mother of said children is entitled to enrollment as a citizen of the Creek Nation.

It does not appear from the evidence that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor does it appear that they, or any of them, have ever been admitted to citizenship in said Nation.

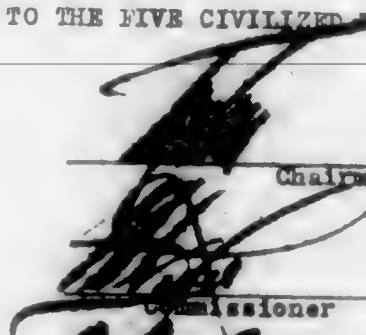

The evidence further shows that the principal applicant herein for himself and for his said minor children, Fannie Gertrude, John D. and Laura Carr, made application to the Commission for citizenship in the Creek Nation under the provisions of the Act of Congress June 10, 1896 (29 Stats., 321); that the application was denied, and that no appeal was taken from the decision then rendered.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Steve Carr, Fannie Gertrude Carr, John D. Carr, Laura Carr and Edna Carr, or any of them, as citizens by blood of the Creek Nation, and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory.

MAY 1905

  
Chairman.  
  
Commissioner

Hand

Creek An 658

Muskogee, Indian Territory, January 9, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Steve Carr, et al., as citizens by blood of the Creek Nation, including the decision of the Commission, dated January 4, 1906.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

JTK-45.

West

Creek XM 658

Muskogee, Indian Territory, January 9, 1905.

M. L. Mott,

Attorney for the Creek Nation.

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Steve Jarr, et al., as citizens by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYM-44.

745N  
Creek Ln 658

Okmulgee, Indian Territory, January 9, 1905.

H. E. P. Stanford,

Attorney for Steve Carr, et al.,

Okmulgee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Steve Carr, et al., as citizens by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYH-43.

2452  
Creek En 658

Muskogee, Indian Territory, January 9, 1906.

Stove Carr,

Okmulgee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, Fannie Gertrude, John D., Laura and Edna Carr, as citizens by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Registrar.

JYM-42.

Refer in reply to the following:  
Land 2748-1906.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, January 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated January 9, 1905, transmitting the record of the application for the enrollment as citizens by blood of the Creek Nation by Steve Carr for himself and his four minor children, Fannie, Gertrude, John D., Laura and Edna Carr.

January 4, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants are full blood Creek Indians and that none of them have ever been ~~enrolled~~ enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

It is further shown that the principal applicant, for himself and his minor children, Fannie Gertrude, John D., and Laura Carr made application for citizenship in the Creek Nation under the act of Congress of June 10, 1896 (29 Stats., 321); that the application was denied by the Commission and that no appeal was ever taken from such decision.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

M.M.M. V.

Very respectfully,

C.F. Larrabee, Acting Commissioner.



I.T.D. 648-1905.

WCF. FHE. LRS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, February 16, 1905.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

January 9, 1905, you transmitted the record in the matter of the application for the enrollment of Steve Carr, et al., (Creek En-658), as citizens by blood of the Creek Nation, including your decision of January 4, 1905, rejecting the applicants.

Reporting in the matter January 20, 1905, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) R.A. Hitchock,

Secretary.

1 inclosure.

En. 600.

Muskogee, Indian Territory, March 4, 1908.

Steve Carr,

Okmulgee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 16, 1908, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1908, denying the application for the enrollment of yourself and your minor children, Fannie G. Carr, John D. Carr, Laura Carr and Edna Carr as citizens of the Creek Nation.

Respectfully,

Commissioner in Charge.

En. 650.

Muskogee, Indian Territory, March 4, 1908.

M. L. Nett,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of February 14, 1908, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1908, denying the application for the enrollment of Steve Carr, et al., as citizens of the Creek Nation.

Respectfully,

Commissioner in Charge.

No. 686.

Muskogee, Indian Territory, March 4, 1906.

W. B. P. Stanford,

Attorney for Steve Carr, et al.,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of February 16, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1906, denying the application for the enrollment of Steve Carr, et al., as citizens of the Creek Nation.

Respectfully,

Commissioner in Charge.

CR EW 659

CR EW 659

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 23, 1904.

In the matter of the application for the enrollment of John Eddington as a Creek Freedman.

JOHN EDDINGTON, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A John Eddington.  
Q How old are you? A Thirty.  
Q What is your post office address? A Heldenville.  
Q Do you make application for enrollment as a Creek Freedman? A Yes, sir.  
Q Where do you live? A I live between Heldenville and -----  
Q In the Creek nation? A Yes, sir.  
Q How long have you lived in the Creek nation? A Two years.  
Q Where did you live before that? A Mississippi, until I got back here.  
Q Where were you born? A In the Creek nation. Carried away when I was ten years old.  
Q Who took you away? A My mother.  
Q You remained away until two years ago? A Yes, sir.  
Q Didn't come back until two years ago? A Two years ago.  
Q Did you ever draw any money from the Creek Nation? A I think she did.  
Q What is the name of your mother? A Catherine Hill.  
Q What was it when she died? A Catherine Eddington.  
Q Where did she die? A Mississippi.  
Q How long has she been dead? A Two years.  
Q Did she live in the Creek nation up to the time you were ten years old? A Yes, sir.  
Q What town in the Creek Nation did she belong to? A Northfork.  
Q Do you know whether she was the slave of a Creek Citizen or not? A I think she was a slave of a Creek.  
Q Did she ever tell you she was? A She used to tell me about her mistress.  
Q Who did she say was her owner? A Willie Hill.

The Dunn Roll examined and the name of the applicants mother not found thereon.

- Q What is the name of your father? A Richard Eddington.  
Q Is he living or dead? A Dead.  
Q How long has he been dead? A About twelve years.  
Q Do you claim that he had any rights in the Creek Nation? A No, sir.  
Q State man was he? A State man. He had no right here.

Upon request of the applicant this case is continued for further testimony.

I, Drennan C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 1st day of September, 1904.

*Drennan C. Skaggs*  
*Edward M. Meade*  
Notary Public.

En. 659.

I.D.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:O:-

In the matter of the application for the enrollment of  
John Eddington as a Creek Freedman.

-: SUPPLEMENTAL STATEMENT :-

Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867, examined and Richard or Henry Eddington, the father of the applicant herein not identified thereon.

Tribal Rolls of the Creek Nation in the possession of the Commission examined and the name of John Eddington not identified on any of said Rolls.

Record of the proceedings of the Colbert Commission in the possession of the Commission examined and it does not appear that application was made to said Commission for the admission of John Eddington to citizenship in the Creek Nation.

Record of the proceedings of the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896, examined and it does not appear that application was made to the Commission for the admission of John Eddington to citizenship in the Creek Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,

February 3, 1905.



No. 659.

I.D.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:O:-

In the matter of the application for the enrollment of  
John Eddington as a Creek Freedman.

-: D E C I S I O N :-

The record in this case shows that on August 23, 1904, John Eddington appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Creek Freedman. Further proceedings were had February 3, 1905.

At the conclusion of the testimony of August 23, 1904, this case was continued for further testimony. No further testimony has been offered by the applicant.

The evidence shows that said John Eddington was thirty years old at the date of the application herein and that he is not the descendant of a person whose name appears on the Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867.

It does not appear from the evidence that the applicant has ever been enrolled as a citizen of the Creek Nation, nor does it appear that he has ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said John Eddington as a Creek Freedman, and that the application for his enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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Chairman.

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Commissioner.

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Commissioner.

Muskogee, Indian Territory,  
MAR 15 1905

S. 8163

Creek No. 659

Muskogee, Indian Territory, December 12, 1904.

John Eddington,

Holdenville, Indian Territory.

Dear Sir:

August 23, 1904, you made application for enrollment as a Creek Freedman. At the conclusion of the evidence then offered, the case was continued upon your request.

You are hereby notified that you will be allowed thirty days from date within which to submit additional evidence, and if none be offered within that time, the case will be adjudicated upon the record now before the Commission.

Respectfully,

Chairman.

Register.

2. 10.  
Gr. In. Ch. v.

Muskogee, Indian Territory, April 28, 1906.

M. L. Mott,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of John Eddington, as a Creek Freedman, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

IK-418-55.

*S. M.*

Gr.No. 639.

Muskogee, Indian Territory, April 18, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of John Eddington as a Creek Freedman, including the decision of the Commission, dated March 15, 1906.

Respectfully,

Chairman.

Through the Commissioner  
of Indian Affairs.

LM-4-18-86.

Cr. En. 659.

Muskogee, Indian Territory, April 18, 1905.

John Eddington,

Heldenville, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.  
IM-4-18-54.

*S. D.*  
Or 2n 669

Muskogee, Indian Territory, April 29, 1906.

Gardner & Langston,

Attorneys for John Edington,  
Holdenville, Indian Territory.

Gentlemen:

The Commission acknowledges receipt of your letter of April 27, 1906, in which you ask if certain testimony and other evidence was considered by the Commission in deciding the case of John Edington.

In reply you are advised that the affidavit of Jeff Baker was duly considered and was made part of the record forwarded with the decision of the case to the Secretary of the Interior.

You are further advised that Wiley McIntosh and Bass Reeves did not appear before the Commission and give testimony in said case during the month of January, or at any other time.

Respectfully,

Chairman.

G.R.

DEPARTMENT OF THE INTERIOR,  
Washington, D.C.

I.T.O. 4734-1908  
LRM

June 14, 1908.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

April 15, 1908, you transmitted the record of the application of John Haddington for his enrollment as a Creek freedman, including your decision dated March 15, 1908, adverse to the applicant.

April 29, 1908, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision adverse to the applicant be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and your decision dated March 15, 1908, denying the application of John Haddington for his enrollment as a Creek freedman is hereby affirmed.

Respectfully,

E A Hitchcock  
Secretary

1 inclosure.



Refer in reply to the following

10000-1900

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, April 29, 1905

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 14, 1905, transmitting the record of the application made August 23, 1904, for the enrollment as a Creek Freedman by John Haddington.

March 18, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant was thirty years old at the date of application and that he is not the descendant of a person whose name appears on the Dunn roll. It does not appear that the applicant has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

O F Larabee  
Acting Commissioner

H.M.M.(W)

Gr. En. 689.

Muskogee, Indian Territory, June 28, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of June 14, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of John Eddington, as a Creek Freedman.

Respectfully,

Chairman.

67.227.000

Muskogee, Indian Territory, June 28, 1908.

John Eddington,  
Holdenville, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 14, 1908, affirmed the decision of the Commission to the Five Civilized Tribes, denying your application for enrollment as a Creek Freedman.

Respectfully,

Chairman.

CR EN 660

CR EN 660

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSCOGEE LAND OFFICE, OCT. 7, 1899.

In the matter of the application of Charlie Corbray for allotment of lands to his children, Charlotte Corbray and Henry Corbray. (By Mr. Hopkins)

Q What is your name? A Charlie Corbray.

Q How old are you? A I am about 50.

Q What town do you belong to? A Arkansaw.

Q How many children have you? A Six, but they are not all of one mother. Henry and Charlotte are of one mother.

Q What was her name? A Charlotte.

Q Do you know her full name? A No sir.

Q What are the names of the other four children? A Morris, Nellie, Katie and Rachel.

Q What was their mother's name? A Rose McGilbray.

Q Who was your lawful wife, was she? A Yes sir.

Q You were not married to this woman Charlotte you speak of? A No sir.

Q You were not living together as husband and wife? A No sir.

Q Those two children, Charlotte and Henry, were born to you while you were living with your lawful wife, Rose McGilbray? A Yes sir.

Q You never claimed to anybody that this woman, Charlotte, was your wife? A I had to claim it because it came out public.

Q As a matter of fact your own wife was living at that time? A Yes, she was living.

Q Did you draw any money for those two children, Charlotte and Henry? A Yes sir.

Q In how many payments? A I drew in the \$29 and \$14.40. I did not get Charlotte on. I never did get the \$14.40 for the youngest girl.

Q Did you get the \$29 for her? A Yes sir.

Q This woman Charlotte, who was the mother of those children, was not a Creek citizen? A No, sir, and she was never recognized here, and I do not think was ever on any of the rolls of the Creek Nation; she was what they called a doubtful citizen.

Q Do you know as a matter of fact that she did not draw any money in the Creek Nation? A I never knew her to be recognized at all.

Q She put the names of those two children on the pay-roll; she was the officer that put them there? A Gabriel Jamison put down the girl. She lived in the Arkansaw town, and the boy was put on the Canadian town by Henry Wood.

Q You never belonged to Canadian town did you? A No sir.

Q How did you happen to have one of the children put on the Arkansaw town and the other on the Canadian town? A I don't know; they did it themselves. I did not have any trouble in getting those children on the Canadian.

Q How many other women were you living with at the same time?

A That was all.

R. Fixby.

Henry and Charlotte being the illegitimate children of Charlotte, a non-citizen woman, are not entitled to enrollment as citizens of the Creek Nation.

Department of the Interior,  
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenogra-

phar to above named Commission, that this transcript is a true,  
full and correct translation of my stenographic notes.

(Signed) BROWN McDONALD.

INDIAN TERRITORY,  
Northern District.

I, J. Y. Miller, a stenographer to the Commission to the Five  
Civilized Tribes, do hereby certify upon oath that the above and  
foregoing writing, including the stenographer's certificate, is a  
full, true and correct copy of the original thereof on file with  
the records of the Commission in the aforesaid case.

Subscribed and sworn to  
before me this 2nd  
day of January, 1906.

*January*

*J. Y. Miller*

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Okmulgee, Indian Territory, May 13, 1901.

In the matter of the application of Henry Gobrey for enrollment as a citizen of the Creek Nation.

Henry Gobrey being first duly sworn testified as follows:

Examination by Mr. Dixby:

Q What is your name? A Henry Gobrey.  
Q How old are you? A They call me 18; I don't know.  
Q What is your postoffice address? A Lee, I. T.  
Q What town in the Creek Nation do you claim to belong to? A Canadian.  
Q What town does your father belong to? A I don't know.  
Q Did you ever hear of your father claiming to belong to any Indian town? A No.  
Q Is your father a Creek freedman? A Yes sir.  
Q Did you ever hear what town he belonged to? A No sir.  
Q Have you any sisters? A Yes sir.  
Q Did you have a sister by the name of Charlotte? A Yes sir.  
Q Is she living or dead? A Dead.  
Q When did she die? A About a month ago.  
Q What was your father's name? A Charley Gobrey.  
Q Is he living? A Yes sir.  
Q What was your mother's name? A Charlotte.  
Q Is she living? A No sir.  
Q Give me the names of your brothers and sisters? A Brother, Johnnie and Jimmie, and Mary, Charlotte, Michael, Kate and Nellie.  
Q Have you got two sets of brothers and sisters? A Yes sir.  
Q Are these children you have given the names of all your full brothers and sisters? A No sir.  
Q Give me the names of your full brothers and sisters? A I haven't got any full brothers; I got one sister, Charlotte.  
Q How many children did your father have children by that you know of? A Two.  
Q Who is the mother of Morris Gobrey? A None.  
Q Who is the mother of Nellie? A None.  
Q Do Nellie and Michael have the same mother? A Yes.  
Q Was your father ever married that you know of? A Yes.  
Q What was the name of his lawful wife? A None.  
Q Did your father ever claim, so far as you know, to have been married to Charlotte? A Not as I know of.  
Q Have you ever drawn any money from the Creek Nation? A Yes sir.  
Q Did you draw it yourself? A No.  
Q Is your name on the rolls of the Creek Nation at present? A Yes.  
Q Under what name did you draw the \$20? A I think it was Millie.  
Q Dial; I am not sure.  
Q Under what name did you draw the \$14.40? A I can't tell you exactly on that.  
Q Well, what do you think? A I could not have any idea; I seen name on one of the rolls.  
Q What name did you see? A I can't remember now.  
Q You say you drew the \$20 you think under the name of Millie Dial? A Yes.  
Q Do you spell Dial? A I don't know.  
Q Spell it the best you can? A I can't spell it.  
Q Did you ever hear of anyone else by the name of Millie Dial? A No.  
Q Do you know Nellie Gobrey? A Yes sir.



Q Who is she? A My sister.  
 Q Do you know Katie? A Yes sir.  
 Q Who is Katie? A My sister.  
 Q Half sister or full sister? A Half sister.  
 Q Do you know Morris? A Yes sir.  
 Q Is he your full brother or half brother? A Half.  
 Q Know Rachale? A Yes sir.  
 Q Full sister or half? A Half.  
 Q Those are the children of Rose McGilbra? A Yes sir.  
 Q Was she a Creek freedman? A Yes sir.  
 Q Where are these children? A They are at home.  
 Q Have they been enrolled by this Commission? A Yes sir.  
 Q Have you a half brother named Henry? A No, I am Henry.  
 Q Ain't there any other Henry? A No sir.  
 Q What made you think you were enrolled in 1890 under the name of Wiley Dial? A I don't know.  
 Q Who was you living with ten or twelve years ago? A With Aunt Wiley.  
 Q Where was she living? A Living down on Oane Creek.  
 Q You was a little boy then? A Yes sir.  
 Q Did she draw the \$20 for you? A That is what she told me.  
 Q Who was you living with in 1890, 5 or 6 years ago? A I was living with her.  
 Q Did she draw the money for you in 1895? A She drew all I drew.  
 Q Do you remember about the \$14.40? A I don't think I do.

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Henry O. Reed being first duly sworn testified as follows:

Q What is your name? A Henry O. Reed.  
 Q How old are you? A About 58 or 59.  
 Q Are you a citizen of the Creek Nation? A Yes sir.  
 Q Do you hold any official position in the Creek government at this time? A I am representing the Creek Nation before the Dawes Commission.  
 Q Do you know Henry Jobrey? A Yes sir.  
 Q How long have you known him? A All the days of his life, since he was born.  
 Q Did you know his father and mother? A Yes sir.  
 Q Do you know the children of Charlie Jobrey by his various wives-- the several women that he lived with? A I know the children of two of his women.  
 Q Do you know whether he has more than one child in his family named Henry? A Only one that I know of.  
 Q Who was Henry living with in 1890? A With Wiley Dial.  
 Q Do you know her very well? A Yes sir.  
 Q How old is she? A I can't tell her age, but I guess she would be about 9, or nearly 100; she is way up.  
 Q Have you known her a great many years? A Yes, she is an aunt of mine.  
 Q Did you see this boy at her house in 1890? A Yes sir.  
 Q Did she draw the \$20 for Henry in 1890? A I don't think she did. I think it was one of her nephews by the name of Isaac Smith, that would have drawn the money.  
 Q Do you know Wiley spells her name? A Yes, Wiley Doyle.  
 Q Do you know whether or not Henry Jobrey, this applicant, drew the \$14.40 in 1895? A He was at that time, but he didn't draw the money.  
 Q Who did? A It might be his father. His father had him in his family in 1895; he enrolled him in his family in 1895.  
 Q Enrolled him with the children by name? A Yes.  
 Q Do you know Nellie Jobrey? A Yes sir.  
 Q How old is she? A I don't know particularly, but I guess she is twenty-odd.

8-Henry Dobson.

Didn't she draw the money with the family in 1966? A I hardly t  
think so but she may. I know I was even by the paymaster, and I  
don't hardly think Nellie drew it.

Q You think old man Charles drew it? A Yes, if I didn't draw it.

What did you do with the seventy-odd dollars that you drew?

A That's what I say, they give me orders to draw money and pay it out and the merchants had their notes and it might have been me.

Q. Do you know how the name of Henry came to be on the roll of 1898? A. Yes.

Q Didn't you put it on yourself?     Yes, I might charge myself with it.

Don't know that it was not entitled to be in the FBI in 1961  
I don't know. I don't know whether it was a letter or not.

him and presented it to the council before the 10 committee, and stated how it was that he was Charles Gearty's son.

Q Did this boy ever live with Charley Jeffrey? A He must have lived with Charley a short while about the time of that payment. I don't know whether he did particularly live together with him.

Q Did he live with him in 1896? A No, he lived with Wiley.  
Q As a matter of fact did he ever love with Charley? A I am not  
positive whether he ever did.

Q So far as you know he never did live with Charley? A No, not to my best knowledge.

Do you know who has or not sharing ever mentioned him as a son?  
You, as far as that is concerned he did never also him.

Q Did Charley suspect this woman Charlotte? A I don't know a thing about that; she was a kind of domestic.

Q. He could not have recognized her as his wife could he? A. No.

Q Now the first this child was born, Sharley was living with mom, wasn't he? A Yes sir.

Q Where is Wiley Linn now? A He died in April, 1900, last year.  
Q Wiley never was baptized, is that true? A He was baptized in this matter.

has she? A No, because I filed for her, she enrolled in 1944.

4 Is there anyone you know over there that has personal knowledge of the fact that this guy, Johnny Jobrey, was involved with Wiley

dial in 1800. I can't say that anybody else knows it, and I can say that I know it.

How do you know that? - Because I had the number up of the rollers.

Q Did you call him Henry? Did you know that was not his name?  
A Didn't you? -- he did. He told it was part of his name and I

AS a matter of fact, you didn't know anything about it. A

was the only iron partition, and the latter was the only one that

roll, suppress his gut life, drink his family blind,  
you don't know that that little family blind, swallowed with a boy

might be some other reason. I know that many  
had lived in the past and it would be too much to say

... but Henry, one of the Henrys ...

and in 1960, I was, I am very proud to say, a member of the

170 2: 1344

4-Henry Cobrey.

Dave Lee, being first duly sworn testified as follows:

Examination by Mr. Bixby:

Q What is your name? A David Lee.  
Q How old are you? A 30 years.  
Q What is your postoffice address? A Lee, I. T.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q Do you know Charley Cobrey? A Yes sir.  
Q How long have you known him? A About 20 years.  
Q Did you know Rose Padilbra? A Yes sir.  
Q She was married to Charley Cobrey was she? A I don't know that;  
they was living together as man and wife.  
Q Did you know Charlotte, this boy's mother? A Yes, I have seen  
her a time or two.  
Q She was not a citizen of the Creek Nation, was she? A Not as I  
know of.  
Q Did she ever live with Charley Cobrey as his wife? A Not as I  
know of.  
Q Do you know Henry Cobrey? A Yes sir.  
Q How long have you known him? A Been knowing him for 15 or 16  
years.  
Q How old was he when you first knew him? A A small baby.  
Q Who was he living with? A His mother had him then.  
Q When did you next see him? A Twelve or fourteen years ago, af-  
ter I returned from Kansas.  
Q Who was he with? A With Aunt Wiley Dial.  
Q How long did he live with her? A Up until 2 or 3 years old; I  
think he moved to Mr. Goodsmith's, and then to Judge Woods.  
Q Is he living now with Judge Woods? A Yes sir.  
Q Do you know anything about his enrollment in 1890? A No sir.  
Q Do you know anything about his enrollment in 1890? A No.  
Q Do you know whether or not Charlotte, his mother, ever lived with  
Charley as his wife? A Don't know.  
Q Do you know whether she ever lived with anyone else? A No.  
Q Did you ever hear of her living with anyone else? A No.  
Q Did she ever marry? A Not as I know of.

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John J. Jofferson being first duly sworn testified as follows:

Examination by Mr. Bixby:  
Q What is your name? A John J. Jofferson.  
Q How old are you? A About 37 years.  
Q What is your postoffice address? A Lee, I. T.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q Do you know Charley Cobrey? A Yes sir.  
Q How long have you known him? A Ever since I was about 10 years  
old.  
Q Do you know his wife now? A Yes sir.  
Q Do you know Charlotte the mother of this applicant? A Yes sir.  
Q How many years did you know her? A I know her about five or six  
years before she died.  
Q Was she ever married? A Yes, to my recollection she was.  
Q Who to? A I don't know the first man she married at all.  
Q How many times was she married? A I suppose she had been  
married twice before she has a brother; by that I took it for  
granted that she was married.  
Q When was she married to the first man? A I don't know; when she  
came to this country she came with a man.  
Q You didn't know his name? A I think his name was Walker.  
Q Was he a United States citizen? A Yes, to my knowledge.  
Q How long did she live with him? A I think he died here a year  
or so after they came here.

3-Henry Gebrey.

- Q About how many years ago? A It is a little more than 17 years to my recollection.
- Q Who was the next man that she was married to? A I was quite young but the next man I knew to my recollection to live with her was Charley Gebrey.
- Q How long did he live with her? A They staid together until she died.
- Q This is Charlott, isn't it? A Yes, sir.
- Q Charley Gebrey had a lawful wife didn't he, named Ross? A I guess he did; all was lawful in Indian times if it was a citizen. I am not able to tell if at all, they was not restricted by the Government.
- Q Do you know anything about the marriage laws of the Creek Nation?
- A I have some knowledge about it.
- Q When did they first pass a law relative to marriage? A It must have been somewhere along in the year 1880 the Creeks passed a resolution recognising all persons who lived together as man and wife and after that period of time they should not be recognised save they be married by an official of the Creek Nation.
- Q That law was passed before this boy was born? A I am not able to tell the date.
- Q Do you know Wiley Dial? A Yes, I think I do.
- Q Do you know whether this boy ever lived with Wiley Dial? A Yes, I believe he did in 90-some-odd.
- Q Do you know whether or not Wiley Dial drew the \$29 for him in 1890? A Only from what she said, she said she drew it.
- Q You don't know about it personally? A No, sir.
- Q Do you know who drew the money for him in 1893? The \$14.40.
- A No, I am not able to tell.
- Q Do you know the several sets of children Charley Gebrey claimed?
- A Yes sir.
- Q How many different lots of children did he claim? A Only two to my knowledge.
- Q Did you ever hear that he had any other children by any other woman? A No sir.

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Henry C. Reed Recalled.

- Q Did you ever hear of this woman Charlotte being married to a woman by the name of Walker? A I can't remember. It must be that she was. She went by the name of Walker, and the child she had when she came went by the name of Walker.
- Q What man did she come here with? A She come here with a man by the name of Walker.--it seemed to me so
- Q Did she ever live with any other man so far as you know? A She lived with Charley Gebrey.
- Q Outside of Charley Gebrey and Walker? A No; she did live with Charley Gebrey, to my best knowledge.
- Q When did she die? A Let me see! She died, must have been 1884 or 1885, because it was reporting of the small pox; it was shortly after the small pox rage; I think that was the time she died.
- Q Charley Gebrey says he drew the \$29 and \$14.40 himself for this boy. He testified October 7, 1899.
- A It may be. I didn't say he didn't draw it, and I didn't say he drew it, but I said I didn't remember. It seems to me I drew it and paid it to some of the merchants.
- Q Did you say Wiley Dial drew it in 1890. A No, I said it might have been drawn by some Smith one of the nephews. I was not positive, and in 1888 I said that it might have been me that drew it.
- Q How does it happen that Charlotte was never on the rolls? A Oh

6-Henry Gebrey.

- A Charlotte was sold from the country here and come back too late to get on the rolls.
- A I mean this boy's sister? A I don't know how she didn't get on the rolls.
- Q Who was she living with in 1890, and 1895? A I think she was living with her father.
- Q Why didn't her father enroll her? A I don't know.
- Q Isn't it a fact Judge Reed, that Henry and Charlotte have never been considered citizens? A If it was they didn't raise any question against Henry.
- Q Why should they raise a question against Charlotte and not Henry? A I don't know; I am not prepared to say.
- Q Are they all the children of the same father and mother? A Yes, the same as I understood it, but I thought Charlotte was on the roll until I looked. I didn't know she wasn't on the roll until I looked in Muskogee, and I was looking for myself.
- Q You didn't find the name either on the '90 or the '95 roll?
- A No, I don't remember. I remember seeing Henry and Charlotte's name didn't appear. I thought they was both on it all the time.
- Q Did Charlotte ever go by the name of Wallace? A Yes, her mother's name was Wallace.
- Q That is, Charlotte, the mother of this boy. A The father was named Wallace.
- Q Her maiden name was Wallace? A Yes sir.

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Frances R. Brown having been first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 18th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

(Signed) Frances R. Brown.

Subscribed and sworn to before me this 17th day of May, 1901.

(Signed) Tamm Dixey  
Acting Chairman.

I, Nora Ellen Parrish, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify upon oath that the above and foregoing writing, including the stenographer's certificate, is a full, true and correct copy of the original thereof on file with the records of the Commission in the aforesaid case.

Subscribed and sworn to before me this  
and day of February, 1902.

*[Signature]*  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Okmulgee, Indian Territory, May 31, 1901.

In the matter of the application of Henry Corbray for enrollment as a citizen of the Creek Nation. Also, Charlotte Corbray his sister.

Charlie Corbray being first duly sworn testified as follows:

Examination by Acting Chairman Bixby:

- Q What is your name? A Charlie Corbray.
- Q How old are you? A I don't know; rough guess I ought to be about 48 or 49.
- Q Where do you live? A I live down here on the Creek about ten miles from here.
- Q In the Creek Nation? A Yes sir.
- Q What is your postoffice address? A Yes.
- Q You are a citizen of the Creek Nation? A Yes sir.
- Q Do you know Charlotte and Henry Corbray? A Yes sir.
- Q Are they your children? A Yes sir.
- Q Who was their mother? A A woman by the name of Charlotte Wallace.
- Q Is she living now? A No sir.
- Q Were you married to her? A No sir.
- Q You had another wife while you was living with her? A Yes sir.
- Q Do you know whether these children are on the rolls of the Creek Nation anywhere? A They are bound to be somewhere. I put Charlotte down on the Arkansas roll, and I guess Reed put Henry down on the Arkansas because he was with his granny at that time.
- Q Do you know which roll Henry is on? A No--it must be the Canadian roll.
- Q Do you know whether Henry was ever adopted by the Creeks? A No, I don't know that; all I can tell you, he was on the Canadian roll, drawing with them.
- Q How did he get on? A It must be through his granny and the town king, I judge.
- Q Do you know which roll Charlotte was on? A She was right there on the Arkansas roll.
- Q Who put her on the roll? A I did; I had her put on.
- Q Who did you have put Charlotte's name on? A I judge it would be Mr. Rennie or some of them.
- Q Was Charlotte ever adopted by the Creeks--by the Creek council? A Not as I know of--no, never did.
- Q Did Henry ever live with Miley Dial? A Yes, she raised him. That is his granny.
- Q Was her name Dial or Doyle? A Some says Miley Dial and some says Miley Cooks; that's the two names I can tell you.
- Q Did you ever get any money for these children--the \$14.40? A I got \$14.40 for Charlotte, and then I paid that in--Owed Sayers.
- Q Did you draw the \$14.40 for Henry too? A Yes, I did; I didn't draw the \$29 though.
- Q Why didn't you draw the \$29 for Henry? A Henry wasn't with me at that time.
- Q Who did draw it for him? A Granny.
- Q Did you draw the \$29 for Charlotte? A Yes sir.
- Q Was she with you? A Yes, I raised her.
- Q Was her name with your name on the rolls? A Yes, her name if anyone ought to be on the rolls; if it a'int there it a'int me.
- Tribal rolls of Arkansas colored town examined the for the year 1890, and the name of Henry Corbray not found thereon; neither is the name of Charlotte Corbray found thereon.
- Tribal rolls of Canadian Colored, for the year 1890,

2- Henry Cobrey.

examined and neither the name of Henry Corbey nor Charlotte Corbey is found thereon. There being in existence no authenticated roll of Canadian Colored town for the year 1895, the payroll for the year 1895 is examined and discloses the fact that No. 490 appears the name of Henry Cobrey in the family of the children of Charley Cobrey by Rose Cobrey-née McGillbra (Rose McGillbra was in her lifetime a citizen of the Creek Nation by adoption, and belonged to Canadian Colored Town.

- Q You know you got the money do you? A Yes sir.  
Q Charlotte and Henry were full brother and sister? A Yes sir.  
Q What was the name of their mother? A Charlotte Wallace.  
Q She was a citizen of the United States wasn't she? A Yes sir.  
Q You never was married to her? A No sir.  
Q How many other men did she have living with her besides yourself?  
A I don't know of any other men but myself.  
Q You have stated I believe that Charlotte, the mother of Henry, was a citizen of the United States? A Yes sir.  
Q In the event that Henry should be found by the Creek authorities to be entitled to citizenship in the Creek Nation as a citizen by adoption, in what town should he be enrolled? A He ought to have been enrolled in Arkansas town with me.  
Q There was no possible reason why he should have been enrolled in Canadian Colored town? A No, I don't know; I gave him to the old lady.  
Q He can't be a member of the Canadian colored town? A He must be if they enrolled him there.  
Q Could he be a member, properly, of Canadian Colored town?  
A No sir.  
Q You don't claim that he is on the roll of 1890, do you? A I don't know whether he is or not.

Authenticated Tribal roll, Canadian Colored Town for the year 1890 examined and on page 62 the name of Henry Dial is found.

- Q Do you know Miley Dial very well? A Yes, ever since I was a boy.  
Q Was she in a habit of taking care of children and bringing them up? A Yes, always raising children.  
Q How many did she raise? A Three that I know of.  
Q What were their names? A One was Julia Beaver, and Darkes, and one was Sooky, and Henry, and Louis Smith.  
Q Were those children living with her before Henry did or afterwards? A They was older than Henry; she raised them before she got Henry.  
Q How many years ago did the other children leave Miley? A I can't tell anything about that; some left during the war; Darkes did; they all got old enough to marry off.

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Frances R. Brown having been first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 21st day of May, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes



J-Henry Gebrey,

of said proceedings on said date:

(Signed) Frances R. Brown:

Subscribed and sworn to before me this 22 day of  
May, 1901.

(Signed) Tamm Dixey  
Acting Chairman:

I, Ezra Allen Parrish, a stenographer to the Commission to the  
Five Civilized Tribes, do hereby certify upon oath that the above  
and foregoing writing, including the stenographer's certificate,  
is a full, true and correct copy of the original thereof on file  
with the records of the Commission in the aforesaid case.

Subscribed and sworn to before me this  
2nd day of February, 1908.

*Ezra Allen Parrish*  
*E. A. Parrish*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T., August 22, 1904.

In the matter of the application for the enrollment of John Walker as a Creek Freedman.

( E. Mastain, Atty. for applicant,  
APPEARANCES: ( M. L. Mott, Atty. for Creek Nation.

JOHN WALKER, being duly sworn, testified as follows:

By Commission:

Q What is your name? A John Walker.  
Q How old are you? A Twenty-six.  
Q What is your post office address? A Okmulgee.  
Q Do you make application to be enrolled as a Creek Freedman? A Yes, sir.

Mr. Mastain what is the basis of your claim in this case?  
A John Walker claims that his mother was a Creek Freedman; that she complied with the Treaty of 1866, he does not know that the name is on the Dunn Roll but it is his understanding that she drew what was known as the Bread Payment and that he is a descendant of his mother who has made said compliance.

Q Do you reside in the Creek Nation? A Yes, sir.  
Q How long have you been in the Creek Nation? A Ever since I was a little boy, when I came here.  
Q Who came with you? A My mother.  
Q Where did she come from? A Texas.  
Q Do you know from family history how long she had been living in Texas when she brought you here? A No, sir. They had been here before and went back.  
Q What is the name of your father? A His name was Privy Walker.  
Q Is he living or dead? A Dead.  
Q How long has he been dead? A Ever since I was five or six years old.  
Q Where did he live when he died? A In the Creek nation.  
Q What is the name of your mother? A Charlotte Walker.  
Q Is she living or dead? A Dead.  
Q How long has she been dead? A I can't remember. Been quite a while.  
Q Do you claim that your father had any rights in the Creek Nation? A No, sir. My mother.  
Q Do you claim entirely through your mother? A Yes, sir.  
Q To what town in the Creek Nation do you claim to belong? A Arapahaw.  
Q Did you ever draw any money from the Creek Nation? A I never did.  
Q Was any ever drawn for you that you know of? A My mother drew some money but I don't know whether it was for me or herself.  
Q About how long has that been? A I don't know.  
Q Was it when you was a little boy? A Yes, sir.  
Q How long has your mother been dead? A Good while. I can't remember how long it has been, I was quite small.  
Q Did she die in the Creek Nation? A Yes, sir.

By Mr. Mastain:

Q Have you a half brother by the same mother who has been enrolled and received his allotment? A Yes, sir.  
Q What is his name? A Henry Corbray.

John Walker--2.

By Commission:

Q Has Henry a sister named Charlotte? A Yes, sir.

The records of the Commission show that Henry and Charlotte Corbray are listed for enrollment as Greek Americans, Case, Serial No. 1794, Approved roll No. 5245 and 5250, respectively, that application was made for their enrollment at Greek American, October 7, 1909, Greek Enrollment Case No. 30, a copy of the testimony in that case is made part of the record herein.

The attorney for the applicant asked for forty days within which to introduce further evidence in this case which is granted.

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I, Drennan C. Rhagge, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

*Drennan C. Rhagge*

Subscribed and sworn to before me this 10th day of September, 1904

*Edmund H. Hickey*  
Notary Public.

En: 880,

I.D.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

=101=

IN the matter of the application for the enrollment of  
JOHN WALKER as a Creek Freedman;

== SUPPLEMENTAL REPORT ==

Roll of Creek Freedmen made by J. W. Dunn prior to March  
14, 1867, examined and Charles Walker, the mother, and Privy  
Walker, the father of the applicant, or either of them, not  
identified therein.

Tribal Rolls of the Creek Nation in the possession of the  
Commission examined and the applicant herein not identified on  
any of said rolls.

Records of the proceedings of the Commission under authority  
of the act of Congress of June 16, 1866, examined and it does  
not appear that application was made to the Commission for the  
enrollment of the applicant herein to citizenship in the Creek  
Nation.

Records of the proceedings of the Colbert Commission  
examined and it does not appear that application was made to  
said Commission for the enrollment of the applicant herein to  
citizenship in the Creek Nation.

The records of the Commission examined and it appears there-  
from that Charles Walker, a son of the applicant herein, is  
listed for enrollment on Creek Freedmen Card, Field Number 124,  
Approved Roll Number 98 and that it is stated on said card that  
JOHN Walker is a non-citizen.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Commissioner.

Muskogee, Indian Territory,

January 22, 1904.

No. 860.

I.D.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:0:-

In the matter of the application for the enrollment of  
John Walker as a Creek Freedman.

-: DECISION :-

The record in this case shows that on August 23, 1904, John Walker appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Creek Freedman. Further proceedings were had January 28, 1905. A copy of the testimony in the case of Henry and Charlotte Gerbray, Creek Enrollment Number 30, was made a part of the record herein.

At the conclusion of the testimony of August 23, 1904, the applicant was granted forty days in which to introduce further evidence. No further evidence has been offered by the applicant.

The evidence shows that said John Walker is not the descendant of a person whose name appears on the Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867.

The evidence further shows that said John Walker has never been enrolled as a citizen of the Creek Nation, nor has he ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said John Walker as a Creek Freedman, and that the application for his enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

MAR 15 1905

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John Walker, for enrollment as a citizen of the Creek Nation.

Comes now the applicant herein and moves that the above entitled cause be reopened and that he be enrolled as a citizen of the Creek Nation for the following reasons, to-wit:

First: Because Charlotte, the mother of the applicant was a Creek slave at the close of the Civil war and was adopted under the treaty of 1866.

Second: Because applicant was born since the adoption under the above treaty, and is entitled to be now enrolled as a citizen of the Creek Nation.

WHEREFORE, applicant prays that the above entitled case be reopened and that he be permitted to show that the above statements are true

---

Attorney for Applicant.

Service of a copy of the foregoing motion accepted this ~~25th~~ 26th day of June, 1906.

---

Attorney for the Creek Nation.



Gr. En. 666.

Muskogee, Indian Territory, April 14, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of John Walker as a Creek Freedman, including the decision of the Commission, dated March 15, 1906.

Respectfully,

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

Enc.  
LM. 4/14/4.



Cr.En. 660.

Muskogee, Indian Territory, April 14, 1900.

M. L. Mott,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of John Walker, as a Creek Freedman, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the case.

Respectfully,

Commissioner in Charge.

Enc.M. 4/14/3.

Gr. En. 660.

Muskogee, Indian Territory, April 14, 1906.

Mr. E. Hastain,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of John Walker, as a Creek Freedman, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to us soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. JM/4/14/2.

Cr. No. 660.

Muskogee, Indian Territory, April 14th, 1905.

John Walker,

Okmulgee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the case.

Respectfully,

Commissioner in Charge.

Register.

L.M.4-14-1.

#660

Muskogee, Indian Territory, June 19, 1905.

The Honorable

The Secretary of the Interior.

Sir:

The Commission acknowledges receipt of the Department's communication of June 9, 1905 (I.T.D. 752-1905), in the matter of the application for the enrollment of John Walker as a Creek Freedman, in which information is requested as to whether the name of Charlotte Wallace appears upon the roll of Creek Freedmen, made by J.W. Dunn prior to March 14, 1867.

Reporting in the matter the Department is advised that said roll of Creek Freedmen made by J.W. Dunn prior to March 14, 1867, has been carefully examined, and that the name of Charlotte Wallace does not appear thereon.

Respectfully,

Chairman.

1

\* 660

(Copy)

Boynton I. T.  
July 22, 1905

Mr. Tams Bixby Chairman

I received a notice from the Commission to the five civilized Tribes that my application for my enrollment had been sent to the secretary of the interior for his Decision if there have any answer from him Will you Please notify me at Boynton, I. T.

I have been living at Okmulgee I. T. but I moved to Boynton so Boynton I. T. is my post office now I am your very

Respectfully

(signed) JOHE WALKER

# 660

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D.4752-1905

August 18, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

April 15, 1905, the Commission to the Five Civilized Tribes transmitted the record of the application of John Walker for his enrollment as a Creek freedman, including the decision of the Commission dated March 15, 1905, adverse to the applicant.

June 19, 1905, upon request of the Department, the Commission transmitted a supplemental report relative thereto.

April 29, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission dated March 15, 1905, adverse to the applicant be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated March 15, 1905, denying the application of John Walker for his enrollment as a Creek freedman is hereby affirmed.

Respectfully,

Thos Ryan  
Acting Secretary

1 inclosure

#660

Refer in reply to the following  
Land  
30294-1905

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, April 29, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 15, 1905, transmitting the record of the application for enrollment as a Creek freedman by John Walker.

March 15, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant is not the descendant of a person whose name appears upon the Dunn Roll. It further shows that he has never been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C.F. Larrabee  
Acting Commissioner

MM

W



✓  
En. 660.

Muskogee, Indian Territory, August 26, 1905.

M. L. Mott,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on August 18, 1905, the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated March 15, 1905, denying the application of John Walker for enrollment as a Creek freedman.

Respectfully,

Commissioner.

No. 600

Muskogee, Indian Territory, August 23, 1906.

John Walker,

Boynton, Indian Territory.

Dear Sir:

You are hereby notified that on August 18, 1906, the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated March 15, 1906, denying your application for enrollment as a Creek freedman.

Respectfully,

Commissioner.

Cr.Mn.600.

Mustagee, Indian Territory, August 10, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of August 18, 1906 (I.T.D. 4732-1906), affirmed the decision of the Commission to the Five Civilized Tribes, dated March 18, 1905, denying the application for the enrollment of John Walker as a Creek freedman.

There is inclosed herewith for Departmental consideration motion to reopen said cause, filed with this office June 28, 1906. Said motion is not accompanied by affidavit nor is there proof of service of copy of same upon the attorney for the Creek Nation.

The statements set forth in said motion differ in no material respect from the evidence previously submitted and upon which said decision of the Commission was

based.

Section 3 of the act of Congress approved April 26, 1906 (Public No. 129), having special reference to Creek freedmen provides:

"That the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J. W. Dunn, under authority of the United States prior to March fourteenth, eighteen hundred and sixty-seven, and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of said roll, and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior."

The Assistant Attorney General for the Department in an approved opinion, dated May 31, 1906, in the matter of the application for the enrollment of Prissie Carruthers as a Creek freedman (a case analogous to that of John Walker), referring to the above provision of law states " that Congress has now made the Dunn roll final and conclusive as to all applicants of this class, whose enrollment has not been approved by the Secretary of the Interior".

In view of the above provision and in view of the facts in the case as shown by the original record, I am of the opinion that said applicant is not entitled to be enrolled

-2-

as a Creek freedman and respectfully recommend that said motion to reopen be denied.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Commissioner.

18-20

En 660

I.T.D. 4752-1905  
18444-1906.

DEPARTMENT OF THE INTERIOR  
- WASHINGTON

GR  
LIB

GR

LRS

Dec 6 - 1906

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

August 10, 1906, you transmitted a motion to reopen the Creek freedman case of John Walker.

The record shows that John Walker, born about 1878, since the making of the Dunn roll of 1867, was the issue of one Charlotte Walker, deceased, an alleged Creek freedman, whose name does not appear upon the Dunn roll.

In view of section 3 of the Act of Congress approved April 26, 1906 (34 Stat., 137), and in conformity with the approved opinion of the Assistant Attorney-General of this Department in the Creek freedman case of Prissie Carruthers (I.T.D. 10016-1906), said motion for a reopening of said case is hereby denied. The Department still adheres to its decision of August 18, 1905 (I.T.D. 4752), denying said application.

A copy of Indian Office letter of September 18, 1906, recommending the denial of said motion is inclosed.

You will advise applicant and his attorney of this action.

The record in the case has been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos Ryan

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.  
1 inc. and 4 to Ind. Of.

Refer in reply to  
he following:

copy

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON. September 18, 1906.

Land

66102-1905  
72350-1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to forward the enclosed letter of August 10 from Tams Bixby, Commissioner to the Five Civilized Tribes, who refers to the fact that the Department under date of August 18, 1905, denied the application for the enrollment of John Walker as a Creek freedman.

Mr. Bixby now encloses for Departmental consideration a motion to reopen this case filed in his office June 25, 1906, and he invites attention to the fact that motion is not accompanied by affidavit neither is there proof of service of the copy thereof on the attorney for the Creek Nation.

The Commissioner says that the averments set forth in the motion differ in no material respect from the evidence previously submitted and on which the decision of the Commission was based.

He quotes from Section 3 of the Act of Congress approved April 21, 1906, (Public No. 129), having especial reference to Creek freedmen which provides

That the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J.W.Dunn, under authority of the United States prior to March fourteenth, eighteen hundred and sixty-seven, and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of preparation of said roll, and their descendants born since such admission except such, if any, as heretofore been enrolled and their enrollment approved  
have by the Secretary of the Interior.

He also refers to the fact that the Assistant Attorney General for the Interior Department in an approved opinion dated May 31, 1906, in the matter of the application for the enrollment of Prissie Carruthers as a Creek freedman (a case analagous to that of John Walker) referring to the above quoted provision of law and says "that Congress has made the Dunn Roll final and conclusive as to all applicants of this class, whose enrollment has not been approved by the Secretary of the Interior."

The Commissioner adds that in view of this provision of law and of the facts in the case as shown by the original record he is not of the opinion that the applicant is entitled to enrollment as a Creek freedman, and recommends that the motion to reopen be denied.

The motion to reopen this case does not set forth or mention any new evidence that could be produced which might justify a change of view concerning the right of John Walker to enrollment as a Creek freedman; in other words, it is an application to review the case on the same evidence before the Department originally. The applicant is not entitled to a review under these circumstances. The law has been changed, as is suggested by the Commissioner, so as to exclude Walker in any event, because his name does not appear on the Dunn roll, and I concur in the recommendation of the



-2-

Commissioner that a rehearing be not granted.

Very respectfully,

C.J. Larrabee

Acting Commissioner.

AMKH-RSC

CR EN 661

CR EN 661

(En. 666)

(C copy)

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 26, 1904.

In the matter of the application for the enrollment of Dora, Willie, Sudie, Walter, Monroe, Claud, Chester and Edmund Brown as Creek Freedmen.

( H. E. P. Stanford Atty. for applicants,  
APPEARANCES:  
( M. L. Mott Atty. for the Creek Nation.

DORA BROWN, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Dora Brown.  
Q How old are you? A I don't know sir, how old I am.  
Q As near as you can tell? A About forty I think.  
Q What is your post office address? A Wildcat.  
Q Do you make application to be enrolled as a Creek Freedman?  
A Yes, sir.  
Q Have you some children for whom you wish to apply? A Yes, sir.  
Q What is the name of the oldest under age? A Willie.  
Q How old is Willie? A Twelve or thirteen.  
Q What is the name of the next? A Walter.  
Q How old is Walter? A About eleven or twelve.  
Q What is the name of the next? A Monroe.  
Q How old is he? A Eight or nine.  
Q What is the name of the next? A Claud.  
Q How old is he? A I don't know. About six years old.  
Q What is the next? A Chester.  
Q How old is he? A About three years old.  
Q Is he more than three or less than three? A He aint less than three.  
Q When will he be three? A Next April.  
Q What is the name of the next one? A Edmund.  
Q How old is he? A About five.  
Q Are these children all alive? A Yes, sir.  
Q Living with you? A Yes, sir.  
Q Did you ever draw any money from the Creek Nation? A No, sir.  
Q Never have drawn any.  
Q Where do you live? A Live down at Wildcat.  
Q In the Creek Nation? A Yes, sir.  
Q How long have you lived in the Creek Nation this time? A Been back here eleven or twelve years.  
Q Where did you live before that? A Down here too--in the Choctaw Nation.  
Q How long did you live there? A About a year and come back to the Creek Nation.  
Q Where did you live before you lived in the Choctaw Nation?  
A Creek Nation.  
Q Where were you born? A In the Creek Nation.  
Q Have you lived in the Indian Territory all your life? A Yes, sir.  
Q Have you ever been out of the Indian Territory? A Yes, sir.  
Q Been out.  
Q Did you ever live outside? A No, sir, hired out.

Dora Brown et al., --2.

- Q Were you a slave? A Yes, sir.  
Q What was the name of your owner? A Grayson.  
Q What was the given name? A Katie Grayson.  
Q Were you taken out before or after the War? A Before.  
Q Where were you taken to? A Taken to the Choctaw Nation and then went on down in the Chickasaw Nation.  
Q Did you remain down there during the War? A Yes, sir.  
Q How long after the War did you come back here? A I come back the next week or two after the War.  
Q What was the name of your father? A I don't know, sir, what his name was.  
Q What was the name of your mother? A Edie Grayson.  
Q Were you ever known by any other name except Dora Grayson and Dora Brown? A No, sir.

The Dunn Roll examined and the principal applicant not identified thereon.

The record of the proceedings of the Commission, under the act of June 10, 1896, examined and it does not appear that application was made for citizenship in the Creek Nation for any of the applicants herein, under the provisions of that act.

The records of the Colbert Commission, in the possession of the Commission, examined and it does not appear that application was made to said Commission for any of the applicants herein.

By Mr. Stanford:

- Q You say this child Chester----how old is that child, Chester?  
A Three or four years old.  
Q When will the child be three or four. You said the birthday was in April? A Will be four.  
Q You told the Commission he would be three in April? A I mean it was four years. Will be four in April, it may be five. I got the record at home.

By Commission:

- Q What is the name of the father of these children? A Alex Brown.  
Q Do you claim that he has any rights in the Creek Nation?  
A No, sir.  
Q He is a state man is he? A Yes, sir.

By Mr. Stanford:

- Q What town do you claim to belong to? A Arkansaw.  
Q Where were you living in the year 1890? A In the Creek Nation.  
Q Did you stay continuously in the Creek Nation? A Yes, sir.  
Q Have you ever at any time been in and out of the Creek Nation for any length of time? A Not often but I been in and out since that time. I went down in the Choctaw Nation with my relatives and stayed a good long time.  
Q How soon after 1890 did you leave the Creek Nation? A I left it right immediately after. I think it was about the time the payment was made.  
Q Where did you go to? A Back in the Choctaw Nation.  
Q How long did you stay there? A Didn't stay very long. Come back here and got my things and went down in the Chickasaw Nation and stayed about six or seven months and then come back up home.

Dora Brown et al., 1-3.

- Q Where were you living in 1896? A I was in here.  
Q Do you know whether or not any money was paid to any one by the Creek Nation for you? A I heard Grant Douglas got the money and he told me himself he got it. When I was going out I wanted some things and he sent and got them for me.  
Q When was that? A I don't know when it was but it was one of the payments.  
Q Have you given the names of all your boys under 21 years of age and all the girls under 18? A No, sir. One girl under 18.  
Q What is the name of that girl? A Sudie.

By Commission:

- Q How old is Sudie? A Sixteen.  
Q Is Sudie living? A Yes, sir.

By Mr. Stanford:

- Q Have you any other male children under twenty-one years of age? A No, sir.  
Q Have you any other girls under eighteen years of age? A No, sir.

By Commission:

The 1890 Authenticated Tribal Rolls of the Creek Nation examined and none of the applicants herein identified thereon.

- Q Do you know David Brown? A No, sir.  
Q Do you know Fannie Brown? A No, sir.  
Q Do you know Tom Brown? A Yes, sir. I know Tom Brown down at Wildcat.  
Q Do you know Pauldo Brown? A No, sir.

The 1891 Omitted Roll of the Creek Nation examined and none of the applicants herein identified thereon.

The 1895 Pay Roll of the Creek Nation examined and none of the applicants identified thereon.

The 1898 Omitted Roll examined and none of the applicants herein identified thereon.

-----O:-----

I, Drennan C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

(Signed) Drennan C. Skaggs.

Subscribed and sworn to before me this 20<sup>th</sup> day of September, 1904.

S E A L

(Signed) Edward Merriok,  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 30, 1904.

Supplemental testimony

In the matter of the application for the enrollment of Dora Brown,  
et al., as Creek Freedmen.

Appearances: H.E. Stanford, attorney for ~~Frank H. H. H.~~ applicants.  
M.J. Mott, attorney for Creek Nation.

Dora Brown being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Dora Brown.  
Q You have a daughter now you desire to include in your application?  
A Yes sir.  
Q How old is she? A Twenty years old.  
Q Is she unable to appear here? A Yes sir.  
Q She is sick, is she? A Yes sir.  
Q What is the name of that girl? A Pearly Brown.  
Q Does she live with you? A Yes sir.  
Q Lived with you all her life? A Yes sir.  
Q If she has any rights in the Creek Nation it comes through you and  
through you alone, does it? A Yes sir.  
Q You want this application consolidated with yours and considered in  
connection with your application? A Yes sir.

~~XXXXXXXXXXXXXXXXXXXX~~

In the matter of the application for the enrollment of Dora Brown et  
al., as Creek Freedmen.

Additional testimony.

Daniel Brown being duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A Daniel Brown.  
Q How old are you? A Thirty-four.  
Q What is your post office address? A Platter.  
Q You make application to be enrolled as a Creek Freedman? A Yes sir.  
Q You have some children you want to apply for? A Yes sir.  
Q What is the name of the oldest? A Mary.  
Q How old is she? A 11 years old.  
Q Next? A Lula.  
Q How old is she? A About 9.  
Q Next? A Joe.  
Q How old is Joe? A He is seven.  
Q Next? A That's all.  
Q Are these children alive? A Yes sir.  
Q What is the name of their mother? A Caroline.  
Q Do you claim she has any rights in the Creek Nation? A No sir.  
Q State woman, is she? A No sir, she's a Chickasaw.  
Q Have you ever applied to have these children enrolled as Chickasaws?



A I have not; no sir.  
Q Has anybody? A She has, I guess.  
Q Did you ever draw any money from the Creek Nation? A No sir.  
Q Were you ever admitted to citizenship in the Creek Nation? A No sir  
I claim through my mother.  
Q What is the name of your father? A Alex Brown.  
Q Claim he has any rights in the Creek Nation? A No sir.  
Q What is the name of your mother? A Dora Brown.  
Q Claim she has any rights in the Creek Nation? A Yes sir.  
Q Do you live in the Creek Nation? A No sir, I live in the Chickasaw  
Nation.  
Q Did you ever live in the Creek Nation? A Yes sir.  
Q When? A A good while before I married.  
Q How long did you stay here? A I was born here and went out .  
Q How old were you when you left? A Twenty some odd years.  
Q Did you ever drawn any money from the Creek Nation? A No sir.  
Q If you have any right in the Creek Nation, it comes through your  
mother, does it? A Yes sir.  
Q And through her alone? A Yes sir.

-----  
It is ordered that a copy of the testimony in the matter of the applica-  
tion for the enrollment of Dora Brown as a Creek Freedman be made part  
of the record in this case.

-----  
Henry G. Hains being sworn on his oath states that as stenographer to  
the Commission to the Five Civilized Tribes he reported the above case  
and that this is a full, true and correct transcript of his stenographic  
notes in same.

*Henry G. Hains.*

Subscribed and sworn to before me this 14<sup>th</sup> day of November, 1904.

  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I.T. AUGUST 30, 1904.

In the matter of the application for the enrollment of Handy, and  
Rosalv Brown as Creek Freedmen.

APPEARANCES: H.R. Stanford, attorney for applicants.  
M.L. Mott, attorney for Creek Nation.

Handy Brown being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Handy Brown.  
Q How old are you? A Twenty three.  
Q What is your post office address? A Grayson.  
Q Do you make application to be enrolled as a Creek Freedman? A Yes sir.  
Q Where do you live? A In Grayson, in the Creek Nation.  
Q How long have you lived in the Creek Nation? A About 8 or 9 years.  
Q Where did you live before that? A In the Chickasaw Nation.  
Q Where were you born? A In the Creek Nation.  
Q Did you then move to the Chickasaw Nation? A Yes sir.  
Q How old were you when you moved there? A I don't know sir, exactly.  
Q About? A I was quite young; I don't know sir how old.  
Q Did you ever draw any money from the Creek Nation? A No sir.  
Q Were you ever admitted to citizenship in the Creek Nation? A No sir.  
Q What is the name of your father? A Alex Brown.  
Q Do you claim he has any rights in the Creek Nation? A No sir.  
Q What is the name of your mother? A Dora Brown.  
Q You claim she has rights, do you? A Yes sir.  
Q If you have any rights in the Creek Nation, it comes through her, does it? A Yes sir.  
Q And through her alone? A Yes sir.

It is ordered that this application be consolidated with that of  
Dora Brown, et al.

- Q You have some children you want to apply for? A Yes sir.  
Q What is the name of the oldest? A Rosvelt.  
Q How old is he? A About 4 years old I think.  
Q What is the name of his mother? A Belle Brown.  
Q Do you claim that Belle Brown has any rights in the Creek Nation?  
A No sir.  
Q If that child has any rights in the Creek Nation, it comes through  
you, does it? A Yes sir.

-----  
Henry G. Hains being sworn on his oath states that as stenographer to  
the Commission to the Five Civilized Tribes he reported the above case  
and that this is a full, true and correct transcript of his stenographic  
notes in same.

Subscribed and sworn to before me this 27<sup>th</sup> day of November, 1904.

*Henry G. Hains*  
  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 30, 1904.

In the matter of the application for the enrollment of Earnest Castel as a Creek Freedman.

APPEARANCES: W.E. Stanford, attorney for applicant.  
M.J. Nett, attorney for Creek Nation.

Earnest Castel being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Earnest Castel.  
Q How old are you? A Twenty five.  
Q What is your post office address? A Colbert.  
Q Do you make application to be enrolled as a Creek Freedman? A Yes sir.  
Q Have you any children you want to apply for? A No sir.  
Q Do you live in the Chickasaw Nation? A I lived there.  
Q How long? A Three years.  
Q Where did you live before that? A In the Creek Nation.  
Q Where were you born? A In the Creek Nation.  
Q Did you live in the Creek Nation up to three years ago? A Yes sir.  
Q What is the name of your father? A Alex Brown.  
Q Do you claim he has any rights in the Creek Nation? A No sir.  
Q What is the name of your mother? A Dora Brown.  
Q If you have any rights in the Creek Nation it comes through your mother? A Yes sir.  
Q Did you ever draw any money from the Creek Nation? A No sir.  
Q Were you ever admitted to citizenship in the Creek Nation? A No sir.

It is ordered that this case be consolidated with the application for the enrollment of Dora Brown, et al.

-----

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 3<sup>rd</sup> day of November, 1904.

*[Signature]*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE I.T. AUGUST 30, 1904.

In the matter of the application for the enrollment of Betty, Burney and Virginia Castel as Creek Freedmen.

APPEARANCES: H.E. Stanford, attorney for applicants.  
W.L. Mott, attorney for Creek Nation.

Betty Castel being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Betty Castel.  
Q How old are you? A Twenty eight.  
Q What is your post office address? A Colbert.  
Q Where is that? A In the Chickasaw Nation.  
Q Do you make application to be enrolled as a citizen, as a Creek Freedman? A Yes, mother does.  
Q Is that what you want to do now? A Yes sir.  
Q Have you any children you want to apply for now? A Yes sir.  
Q What is the name of the oldest? A Burney.  
Q How old is she? A Seven.  
Q What is the name of the next? A Virginia.  
Q How old? A Five.  
Q Did you ever draw any money from the Creek Nation? A No sir.  
Q Were you ever admitted to citizenship in the Creek Nation? A No sir.  
Q Do you live in the Chickasaw Nation? A Yes sir.  
Q How long have you lived there? A I have been there since I was married? A ~~SEVEN YEARS~~  
Q How long have you been married? A Seven years.  
Q Where did you live before that? A With mother.  
Q Where did she live? A In the Creek Nation.  
Q Where were you born? A In the Creek Nation.  
Q Did you live in the Creek Nation until you were married? A Yes sir.  
Q What is the name of the father of these children? A Jeff Castel.  
Q Do you claim he has any rights in the Creek Nation? A No sir.  
Q If your children have any rights in the Creek Nation, it is through you, is it? A Yes sir.  
Q What is the name of your father? A Alex Brown.  
Q Do you claim he has any rights in the Creek Nation? A No sir, its my mother.  
Q What is the name of your mother? A Dora Brown.  
Q You claim that she has rights in the Creek Nation? A Yes sir.  
Q If you have any rights in the Creek Nation it comes through your mother, does it? A Yes sir.  
Q And through her alone? A Yes sir.  
Q Is Jeff Castel a citizen of any Nation in Indian Territory? A No sir.  
Q He is a state man, is he? A Yes sir.

It is ordered that this case be consolidated with the application of Dora Brown et al.

Henry G. Haine being sworn on his oath states that as stenographer to

-2-

the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

----- *Henry R. Hains*

Subscribed and sworn to before me this 3 day of November, 1904.

  
Notary Public.

P. 1

P. 1  
8013

En 601.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Dora Brown et al., as Creek Freedmen.

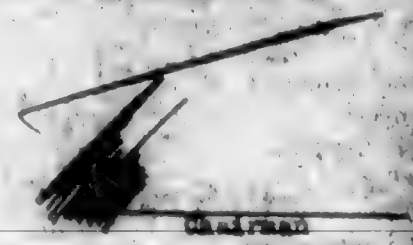
-1 SUPPLEMENTAL STATEMENT :-

Records of the proceedings of the Colbert Commission examined and it does not appear that application was made to said Commission for the admission of the applicants herein, or any of them, to citizenship in the Creek Nation.

Records of the proceedings of this Commission under authority of the Act of Congress of June 10, 1896, examined and it does not appear that application was made for the admission of the applicants herein, or any of them, to citizenship in the Creek Nation.

Tribal Rolls of the Creek Nation in the possession of this Commission examined and the names of the applicants herein, or any of them, not identified on any of said Rolls.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Chairman

Muskogee, Indian Territory  
November 16, 1904.

L. H.  
En. 62.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Dora, Willie, Sudie, Walter, Monroe, Claud, Chester, Edmund, Lawyer, Pearly, Daniel, Mary, Lula, Joe, Handy and Rosavelt Brown and Earnest, Betty, Burney and Virginia Castel as Creek Freedmen.

-: D E C I S I O N :-

The record in this case shows that on August 26, 1904, Dora Brown, for herself and her seven minor children, Willie, Sudie, Walter, Monroe, Claud, Chester, and Edmund Brown, and Lawyer Brown, for himself appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as Creek Freedmen. Further proceedings were had August 30, 1904, and Dora Brown, for her daughter, Pearly Brown, Daniel Brown for himself and for his three minor children, Mary, Lula and Joe Brown, Handy Brown, for himself and for his minor child, Rosavelt Brown, Earnest Castel for himself, and Betty Castel, for herself and for her two minor children, Burney and Virginia Castel appeared before the Commission and made application for enrollment as Creek Freedmen, which said applications were ordered consolidated with the application of Dora Brown, herein. Further proceedings were had November 16, 1904.

The evidence shows that said Dora Brown was fifty years old at the date of the application herein and that she is not identified on the Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867; that said Willie, Sudie, Walter, Monroe, Claud, Chester, Edmund, Lawyer, Pearly, Daniel, Mary, Lula, Joe, Handy and Rosavelt Brown and said Earnest, Betty, Burney and Virginia Castel are not the descendants of a person whose name is found on said Dunn Roll; that no claim is made that the father of said minor children, Willie, Sudie, Walter, Monroe, Claud, Chester and Edmund Brown is entitled to enrollment as a citizen of the Creek Nation; that no claim is made that the mother of said minor children, Mary, Lula, and Joe Brown is entitled to enrollment as a citizen of the Creek Nation; and that no claim is made that the mother of said minor child Rosavelt Brown is entitled to enrollment as a citizen of the Creek Nation; that no claim is made that the father of said minor children Burney and Virginia Castel is entitled to enrollment as a citizen of the Creek Nation.

It does not appear from the evidence that the applicants or any of them, have ever been enrolled as citizens of the Creek Nation, nor have they, or any of them, ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Dora Brown, Willie Brown, Sudie Brown, Walter Brown, Monroe Brown, Claud Brown, Chester Brown, Edmund Brown, Lawyer Brown, Pearly Brown, Daniel Brown, Mary Brown, Lula Brown, Joe Brown, Handy Brown, Rosavelt Brown, Earnest Castel, Betty Castel, Burney Castel and Virginia Castel, or any of them, as Creek Freedmen and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Chairman

  
Commissioner

Muskogee, Indian Territory.

MAR 1 - 1905

  
Commissioner



DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
FILED

NOV 17 1905

COMMISSIONER

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
FILED

11-17-05

COMMISSIONER



En 667

UNITED STATES OF AMER.  
INDIAN TER.  
WESTERN DISTRICT.

DEPOSITIONS OF DORO BROWN, et, al.

DORO BROWN's claim for citizenship in the Creek nation.

I, DORO BROWN, of GRAYSON, I.T. state on oath that I was born at North Fork, I.T. in the Creek Nation, about the year 1880 month of Feb. of the parentage of EDITH GRAYSON, mother and DENDY CARR father, that I have lived here in the Creek Nation and about in the Territory all of my life, Is your father's name enrolled as a Creek Citizen? Yes. Is your mother enrolled as such citizen? No. Has your name ever been enrolled as such citizen? No. Have you ever made application for said enrollment? Yes. last Aug. one year ago that being 1904; Is your father dead? I donot know, I heard last JULY that he was on Grand River. Have you heard from him since? No. How did you hear that your father was enrolled? My cousin, TACKEY, my Town King told me so. Is your cousin living now, the one who told you that? Yes. Where is his post office? At RedBird. Have you any children? Yes. Have you any sisters and brothers? Yes. Have you ever been before the Commission on same matter as this? Yes and testimony was taken.

Subscribed and sworn to by mark this

NOV 6 - 1904

*Doro X Brown*  
*E.P. Blakemore*  
Notary Public.

Testimony of DOLLY STIDHAM, a Creek Citizen P.O. Okmulgee, I.T.

I, Dolly Stidham, on oath state that I am 60 years of age, that I am a Creek Citizen I am acquainted with Doro Brown have known her all of her life; Have you known Doro Brown's father? Yes. about 40 yrs. What is his name? Dendy Carr. Is his name enrolled as a Creek Citizen? Yes. Who were his owners? An Indian named Lige Carr, he is dead but Lydia Carr his Grand-Daughter is yet living. Where is her P.O.? Okmulgee, I.T. Are you sure of the identity of Doro Carr, being the daughter of Dendy Carr? Yes Where was she born? On the North Fork.

Subscribed and sworn to by mark this,

NOV 6 - 1904

*Jessie X Stidham*  
*E.P. Blakemore*  
Notary Public.

Department of the Interior,

NOV 1 - 1895

10667

Department of the Interior,

Nov. 11....., 1905.

Respectfully referred to the  
Commissioner to the Five Civil-  
ized Tribes for consideration  
and appropriate action.

First Assistant Secretary.

11/17/05

TESTIMONY OF DAVID L. BERRYHILL.

I, DAVID L. BERRYHILL, on oath state that I am a full blood Indian of the Creek Nation, I.T. that I am 56 yrs, of age that I am acquainted with Doro Brown have known her by sight for yrs.. How long have you known DORO BROWN'S father? 50 yrs. What is his name? DENDY CARR. he used to belong to an Indian named Lige Carr all of his remaining relative is LYDIA (CARR) MOORE; Is Dendy Carr enrolled as a Creek Citizen? Yes. Is he living? I can't tell. Do you know why his daughter Doro Brown is not enrolled? Yes his daughter and her mother were ran off into Mo. Are you sure of the identity of DORO BROWN? Yes as being the daughter of Dendy CARR.

David L. Berryhill

My Commission Expires Nov. 18, 1905

1905

Subscribed and sworn to before me this Nov. 6, 1905

E. P. Blakemore

Notary Public.

Went  
OF 44 661

Muskogee, Indian Territory, March 8, 1908.

Lawyer Brown,

Grayson, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register.  
JYM-3-22.

Handwritten initials or mark.

OF AN 001

Mustang, Indian Territory, March 9, 1906.

Daniel Brown,

Mustang, Indian Territory.

Dear Sir:

There is herewith enclosed the copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, Mary, Lula and Joe Brown, as Great Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Re: Inter.  
JYN-3-23.

CR En 661

Whekeget, Indian Territory, March 3, 1905.

Nandy Brown,

Grayson, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor child, Rosavolt Brown, as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge,

Perinton.  
JYM-3-24.

Or an 661

Muskogee, Indian Territory, March 3, 1906.

Earnest Castel,

Colbert, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Registrar.  
JYM-3-25.



UP AN 681

Lawton, Indian Territory, March 6, 1906.

Netty Jantel,

Osiburt, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, namely and Virginia Jantel, as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Very truly,  
J. M. Jones

Max  
OF NA 661

Wabigoon, Indian Territory, March 6, 1908.

W. H. Stanford,

Attorney for Nora Brown, et al.,

Okmulgee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Nora Brown, et al., as Creek Indians.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

JW-8-47.

Handwritten: *Hand*  
Or 42 661

Kuskogee, Indian Territory, March 3, 1908.

M. L. Kott,

Attorney for the Creek Nation,

Kuskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the applications for the enrollment of Dora Brown, et al., as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

JYM-3-28.

OF AN 661

Muskogee, Indian Territory, March 8, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the appointment of W. H. Brown, et al., as special messengers, including the decision of the Commissioner, dated March 1, 1906, and the said application.  
Respectfully,

Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.  
J. M. B.

Handwritten: *W. L. S.*  
Or in 061

Luskogen, Indian Territory, March 2, 1908.

Wore Brown,

Grayson, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, Willie, Audie, Walter, Monroe, Claude, Chester, Edmund and Henry Brown, as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register.  
JY-3-11.

I.T.D.2586-1905.

CR.LLB.LNS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 24, 1905.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

March 3, 1905, you transmitted the record of the consolidated applications of Dora Brown for the enrollment of herself and her seven minor children, Willie, Budie, Walter, Monroe, Claud, Chester, and Edmund Brown, as Creek Freedmen; Lawyer Brown for his enrollment as a Creek freedman; Dora Brown for the enrollment of her daughter, Pearly Brown, as a Creek Freedman; Daniel Brown for the enrollment of himself and his three minor children, Mary, Lulu, and Joe Brown, as Creek Freedmen; Handy Brown for the enrollment of himself and his minor child, Hubavelt Brown; Narnest Castel for the enrollment of herself as a Creek Freedman, and Betty Castel for the enrollment of herself and her two minor children, Burney and Virginia Castel, as Creek freedmen, including your decision dated March 1, 1905, adverse to all the applicants.

March 11, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision adverse to all the applicants be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and your decision dated March 1, 1905, adverse to all the applicants in the consolidated case of Dora Brown et al., as Creek Freedmen is hereby affirmed.

Respectfully,  
(Signed) M.A. Hitchcock,  
Secretary.

1 inclosure.

Refer in reply to the following:  
Land: 17770-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, March 11, 1905.

The Honorable,  
The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated March 3, 1905, transmitting the record of the application for enrollment as Creek Freedmen by Dora Brown and her seven minor children, Willie, Budie, Walter, Monroe, Claud, Chester, Edmund and Pearly Brown; by Lawyer Brown for himself; by Daniel Brown for himself and his three minor children, Mary, Lula and Joe Brown; by Handy Brown for himself and his minor child, Roosevelt Brown; by Earnest Castel for himself and by Betty Castel for herself and her two minor children, Burney and Virginia Castel.

March 1, 1905, the Commission decided adversely to all the applicants.

The record shows that Dora Brown was fifty years of age at the date of making her application and that she is not identified on the Dunn Roll and that none of the other applicants is a descendant of a person whose name is found on said roll.

It does not appear that any of the applicants has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Respectfully,

C. F. Larrabee,

M. K. A. W.

Acting Commissioner.



IP. In. 001.

Mustoge, Indian Territory, June 20, 1908.

Lawyer Brown,

Grayson, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 14, 1908, affirmed the decision of the Commission to the Five Civilized Tribes, denying your applicant for enrollment as a Creek Freedman.

Respectfully,

One Indian.

Gr. In. 60.

Muskogee, Indian Territory, June 29, 1908.

Daniel Brown,

Platter, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 14, 1908, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of yourself and minor children, Mary, Lula and Joe Brown, as Creek Freedmen.

Respectfully,

Chairman.

Cr. In. 442.

Muskogee, Indian Territory, June 29, 1908.

Nancy Brown,

Grayson, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 24, 1908, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of yourself and your minor child, Roosevelt Brown, as Creek Freedmen.

Respectfully,

Chairman.

Cr.No.661.

Muskogee, Indian Territory, June 29, 1906.

Harnest Castel,

Gelbert, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 14, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying your application for enrollment as a Creek Freedman.

Respectfully,

Chairman.

Cr.No.661.

Muskogee, Indian Territory, June 29, 1905.

Betty Castel,

Colbert, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 14, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of yourself and your minor children, Burney and Virginia Castel, as Creek Freedmen.

Respectfully,

Chairman.

Cr. No. 651.

Muskogee, Indian Territory, June 29, 1905.

H. B. P. Stanford,

Attorney for Dora Brown et al.,

Okmulgee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 14, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of Dora Brown, et al., as Creek Freedmen.

Respectfully,

Chairman.

Gr. In. 662.

Muskogee, Indian Territory, June 29, 1906.

M. E. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of June 14, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of Bora Brown et al., as Creek Freedmen.

Respectfully,

Chairman.



JP.LRS .FHE.

No. 17766.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, May 8, 1906.

E.T.D. 18170-1906.

10082- "

10083-1906.

3225- "

The Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

SIR:

There are inclosed herewith, for report and recommendation, two motions for rehearing, in the Creek enrollment case of Dora Brown, et al. filed in the Department October 26, 1905, and January 28, 1906, respectively, also argument received March 19, 1906. See motions 1 and 3 of the set of April 26, 1906 (Public No. 129), and minutes of the Department of January 14, 1905, affirming the decision of the Commission to the Five Civilized Tribes adverse to the claimants in said case.

Respectively,

(Signed) Jesse M. Wilson,  
Assistant Secretary.

3 inclosures.

Through the Commissioner of  
Indian Affairs.

Muskogee, Indian Territory, July 14, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is acknowledged of departmental letter under date of May 8, 1906 (I.T.D.15170, 10259-1905, 1003, 3225-1906), inclosing for report and recommendation two motions for rehearing in the Creek enrollment case of Dora Brown et al., filed with the Department October 26, 1905 and January 25, 1906, respectively, also argument received March 19, 1906.

The statement of facts in the case as shown by the evidence and set forth in the decision of the Commission under date of March 1, 1906, which said decision was affirmed by the Department June 14, 1906, was as follows:

"The evidence shows that said Dora Brown was fifty years old at the date of the application herein and that she is not identified on the roll of Creek freedmen made by J. W. Dunn prior to March 14, 1867; that said Willie, Sudie, Walter, Monroe, Claud, Chester, Edmund, Lawyer, Pharley, Daniel, Mary, Lula, Joe, Handy and Rosavelt Brown and said Earnest, Betty, Burney and Virginia Castel are not the descendants of a person whose name is found on said Dunn roll; that no claim is made that the father of said minor children, Willie, Sudie, Walter, Monroe, Claud, Chester and Edmund Brown is entitled to enrollment as a citizen of the Creek Nation; that no claim is made that the mother of said minor children, Mary, Lula, and Joe Brown is entitled to enrollment as a citizen of the Creek Nation; and that no claim is made that the mother of said minor child Rosavelt Brown is entitled to enrollment as a citizen of the Creek Nation; that no claim is made that the father of said minor children Burney and Virginia Castel is entitled to enrollment as a citizen of the Creek Nation.

It does not appear from the evidence that the applicants or any of them, have ever been enrolled as citizens of the Creek Nation, nor have they, or any of them, ever been admit

ted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory."

The facts alleged and set forth in said motions as grounds for rehearing are similar in the main to those upon which said decision of the Commission was based.

In the motion for rehearing filed with the Department October 26, 1905, it is alleged, "That the name of your affiant is on the authentic roll of 1890 and 1895 under the name of Dora Brown on the said roll for the Arkansas town." This allegation would be material towards establishing the right of said applicant to Creek citizenship if same were corroborated by the records in the possession of this office, but a careful examination of said records fails to show that the names of said affiant appears on either the roll of Creek freedmen made by J.W. Dunn or on the 1890 or 1895 tribal rolls of the Creek Nation.

The Assistant Attorney General for the Department in an approved opinion dated May 31, 1906, in the matter of the application of Prissie Garruthers for enrollment as a Creek freedman (a case analogous in every material respect to that of Dora Brown), referring to section 3 of the act of Congress approved April 26, 1906 (Public No. 129), states:

"Congress has now made the Dunn roll final and conclusive as to all applicants of this class whose enrollment has not been approved by the Secretary of the Interior."

In view of the facts in the case and of the opinion of the Assistant Attorney General above cited I would respectfully recommend that the motion for rehearing filed herein be denied.

-5-

Enclosures received with departmental communication  
of May 8, 1906 are returned herewith:

Respectfully,

Commissioner.

Through the  
Commissioner of Indian Affairs.

AS R.

Cr.No. 661

Muskogee, Indian Territory, September 14, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is acknowledged of Departmental communication under date of August 27, 1906 (I.T.D. 10627-1906) inclosing, for report and recommendation, a letter dated August 21, 1906, from Donovan & Griesel, relative to the enrollment case of Dora Brown et al., also a printed list of parties whose names are on the Creek Tribal Rolls.

The letter from Messrs. Donovan & Griesel, above referred to, calls attention to report of the Commissioner under date of July 14, 1906 covering two motions for rehearing in said cause, and particularly to that portion of said report which reads as follows: "But a careful examination of said records fails to show that the name of said affiant appears on either the roll of Creek Freedmen made by J. W. Dunn or on the 1890 or 1895 Tribal Rolls of the Creek Nation".

The statement of the Commissioner as above set out is in a strict sense correct, the name of said affiant not

**Secretary-3**

appearing on either the 1890 or 1895 authenticated Creek Tribal Rolls, but it does appear from the records of this office that on the 1891 Omitted Roll, of citizens of the Creek Nation, in Arkansas Colored Town, are listed as the members of one family the names of David, Fannie, Tom, Dora and Paulde Brown, in the order named and said names appear respectively opposite numbers 134 to 138.

The names appearing on said roll are in family groups and Dora Brown appears as the fourth member of the family group of which David Brown is the head.

By a reference to the record in this case and particularly to the testimony of the principal applicant Dora Brown, in proceedings had on August 26, 1904, it will be observed that in regard to her knowledge of the members of this particular family she testified as follows:

- Q: Do you know David Brown?
- A: No sir.
- Q: Do you know Fannie Brown?
- A: No sir.
- Q: Do you know Tom Brown?
- A: Yes sir. I know Tom Brown down at Wild Cat.
- Q: Do you know Paulde Brown?
- A: No sir.

Immediately following the above questions and answers the examiner, acting on behalf of the Commission, made the following positive statement " the 1891 Omitted Roll of the

Secretary 3.

Creek Nation examined and none of the applicants herein identified the same." This statement is clearly warranted by the testimony.

In the same proceedings said Dora Brown further testified as follows:

- "Q: Did you ever draw any money from the Creek Nation?  
A: No sir. Never have drawn any.  
Q: Do you know whether or not any money was paid to anyone by the Creek Nation for you?  
A: I heard Grant Douglas get the money and he told me himself he got it. When I was going out I wanted some things and he sent and got them for me."

The 1891 Omitted Roll in the possession of this office shows that a payment of \$145 was made to the family of which David Brown was the head, \$29 to each member, and that said payment was not made to Grant Douglas as testified to by said Dora Brown.

At the conclusion of the hearing in this case a Supplemental Statement and Decision were prepared by Irwin Donovan, at the present time one of the attorneys for the applicant, and who was an employee of the Commission, and the Commissioner to the Five Civilized Tribes, as law clerk in the Creek Enrollment Division, from September 26, 1904, to and inclusive of January 8, 1906.

In the Supplemental Statement referred to appears the following:

"Tribal Rolls of the Creek Nation in the possession of this Commission examined and the names of the applicants herein, or any of them, not identified on any of said rolls."



Secretary-4

And in said Decision appears the following:

" It does not appear from the evidence that the applicants or any of them, have ever been enrolled as citizens of the Creek Nation, nor have they, or any of them, ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory".

At the time of the writing of said Supplemental Statement and Decision it is evident that the present attorney for applicants, Mr. Donovan, was decidedly of the opinion that Dora Brown, the principal applicant and through whom all the other applicants in this case claim to derive their citizenship rights, was not the Dora Brown whose name appears on the 1891 Omitted Roll as a member of the family of which David Brown was the head.

The applicants in this case were represented by attorney, Mr. H.R.P. Stanford, and ample time and opportunity was afforded for the introduction of such evidence as might be deemed of value towards establishing their claims to citizenship, and notwithstanding this, it does not appear from the evidence that there is any connection between Dora Brown, the principal applicant in this case and the members of the family of David Brown whose names appear on the 1891 Omitted Roll.

June 25, 1904, the Commission to the Five Civilized Tribes caused to be printed " lists of persons whose names appear on the Creek Tribal Rolls in the possession of the

Secretary

Commission to the Five Civilized Tribes who have not been identified as having made application for enrollment as citizens of the Creek Nation and have not been otherwise accounted for." Said lists were published in newspapers and widely distributed throughout Indian Territory. It is a peculiar circumstance and one to be noted that none of said applicants (as shown by the records of this office) made application or attempted to make application for citizenship in the Creek Nation prior to the publication of said lists, and that the original application in this case was made on August 26, 1904, only a few weeks subsequent to the publicity given the names of citizens who could not be accounted for. It is even more peculiar, in view of the attempt of attorneys for applicant to identify the principal applicant Dora Brown as the Dora Brown whose name appears on the 1891 Omitted Roll, that the principal applicant testifies as to her knowledge of only one person, Tom Brown, who bears the same name as that of a member of said family, and that the name Tom Brown appears on said printed list immediately preceding the name of Dora Brown.

The propriety of the course taken by Mr. Denevan, as an attorney at law, who while in the employ of the

Secretary-6

Commission had previously passed on this case and was thoroughly familiar with the points involved in the same, in his attempt before the Department to identify the principal applicant as the identical person whose name appears on the 1891 Omitted Roll, introducing no evidence to substantiate such identification, is brought in question, and it would appear as if the purpose was to mislead the Department.

I am of the opinion that the facts as set out in the Supplemental Statement and the Decision in this case and in the report of the Commissioner under date of July 14, 1906 are correct and respectfully renew my recommendation that the motion for rehearing filed herein be denied.

Inclosures received with Departmental letter of August 27, 1906 are returned herewith.

Respectfully,

Commissioner.

Through the  
JCL-8-2 Commissioner of Indian Affairs.

I.T.D.17998-1906.

JP.LRS

DEPARTMENT OF THE INTERIOR,

FHE.

WASHINGTON, September 26, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

July 14, 1906, you returned two motions for rehearing in the Creek enrollment case of Dora Brown et al., sent to you in departmental letter of May 8, 1906, and recommended that they be not granted.

Following the approved opinion of the Assistant Attorney-General of May 31, 1906, in the case of Prissie Carruthers, referred to by you, the motions are denied.

A copy of Indian Office letter of September 15, 1906 (Land 60795-), submitting your report, is inclosed. The papers in the case have been returned to the Indian Office.

Respectfully,

Thos Ryan,

Acting Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 9 to Ind.Of.

Refer in reply to the following:

Land: 60795-1906.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON?

September 15, 1906.

C O P Y

The Honorable

The Secretary of the Interior.

Sir:

Referring to departmental letter of October, 1905, (I.T.D. 2528- or 2582), also departmental letter of May 8, 1906, (I.T.D. 15170-10259-1905--1003-3225-1906), enclosing motions with reference to Creek enrollment case of Do/ra Brown, et al., there is transmitted herewith a report from the Commissioner to the Five Civilized Tribes, dated July 14, 1906, forwarding motion for rehearing, supported by evidence and showing service by registered mail on M.L. Mott, attorney for the Creek Nation. The record in this case was transmitted to the Department with Office letter of November 13, 1905, (Land 45750-37306-1905).

Very respectfully,

F.R. Leupp,

Commissioner.

EWB-LC.

Cr.En. 661.

Muskogee, Indian Territory, October 27, 1906 .

Dora Brown,

Wilcoat, Indian Territory.

Dear Madam:

You are hereby advised that the Department under date of September 26, 1906, denied two motions for rehearing in the Creek Enrollment case of Dora Brown, et al.

Respectfully,

Commissioner.

Cr.En. 661.

Muskogee, Indian Territory, October 27, 1906.

Lawyer Brown,

Grayson, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of September 26, 1906, denied two motions for rehearing in the Creek Enrollment case of Dora Brown, et al.

Respectfully,

Commissioner.



Cr. No. 661.

Muskogee, Indian Territory, October 27, 1906.

Daniel Brown,

Platter, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of September 26, 1906, denied two motions for rehearing in the Creek Enrollment case of Dora Brown et al.

Respectfully,

Commissioner.

Cr.En.661.

Muskogee, Indian Territory, October 27, 1906.

Handy Brown,

Grayson, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of September 26, 1906, denied two motions for rehearing in the Creek Enrollment case of Dora Brown et al.

Respectfully,

Commissioner.

Cr.En. 661.

Muskogee, Indian Territory, October 27, 1906.

Earnest Castel,

Colbert, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of September 26, 1906, denied two motions for rehearing in the Creek Enrollment case of Dora Brown et al.

Respectfully,

Commissioner.

Cr.En.661.

Muskogee, Indian Territory, October 27, 1906.

Betty Castel,

Colbert, Indian Territory.

Dear Madam:

You are hereby advised that the Department under date of September 26, 1906, denied two motions for rehearing in the Creek Enrollment case of Dora Brown et al.

Respectfully,

Commissioner.

Cr.En.661.

Muskogee, Indian Territory, October 27, 1906.

Irwin Donovan,

Attorney At Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of September 26, 1906, denied two motions for rehearing in the Creek Enrollment case of Dora Brown et al.

Respectfully,

Commissioner.

66/  
Cr. No. 27, 1906.

Muskogee, Indian Territory, October 27, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of September 26, 1906, denied two motions for rehearing in the Creek Enrollment case of Dora Brown et al.

Respectfully,

Commissioner.

CR EN 662

CR EN 662



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 26, 1904.

In the matter of the application for the enrollment of Irena Rentie as a Creek Freedman.

JOHN RENTIE, being duly sworn, testified as follows:

- By Commission: What is your name? A John Rentie.  
Q How old are you? A About forty-four.  
Q What is your post office address? A Wewoka.  
Q Do you make application for the enrollment of Irena Rentie as a Creek Freedman? A Yes, sir.  
Q How old is she? A Four years and six months.  
Q Are you her father? A Yes, sir.  
Q What is the name of the mother? A Judie Rentie.  
Q Are you a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears that John Rentie is listed for enrollment on Creek Freedman Card, Field No. 73. His name is contained in the partial list of Creek Freedmen, approved March 13, 1902, No. 277.

- Q Is Judie Rentie a citizen of the Seminole Nation? A Yes, sir.  
Q Is this child living? A Yes, sir.  
Q What is the reason you have not made application before now? A Edmund Holmes had the list and said he would put them in and he said he forgot it.  
Q He is not the man to send in, you are the man? A Yes, but he had it.  
Q Your wife is a citizen of the Seminole Nation is she? A Yes, sir.

This case is continued in order that further testimony may be introduced.

-----O:-----

I, Drennan C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 21 day of September, 1904.

*Drennan C. Skaggs*  
*Edward A. Morris*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., Sept. 29, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Irena Rentie as a Creek Freedman.

( A. S. McKenna Attorney for applicant,  
APPEARANCES:  
( M. L. Nett Attorney for Creek Nation.

JOHN RENTIE, being duly sworn, testified as follows:

By Commission:

September 1, 1904, there was filed with the Commission an affidavit relative to the birth of Irena Rentie, who, it is claimed, is entitled to enrollment as a Creek Freedman. This affidavit is considered by the Commission as an application for enrollment.

Q What is your name? A John Rentie.  
Q How old are you? A Something like fifty I guess.  
Q What is your post office address? A Tidmore.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q Do you want to make application for the enrollment of Irena Rentie as a Creek Freedman? A Yes, sir.  
Q Are you her father? A Yes, sir.  
Q What is the name of her mother? A Judy Rentie.  
Q Is she a citizen of the Creek Nation? A She is a citizen of the Seminole Nation.

The records of the Commission show that John Rentie is listed for enrollment on Creek Freedman Card, Field No. 93, and that his name is contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior, March 13, 1902, No. 277.

Q Is Irena Rentie living? A Yes, sir.  
Q How old is she? A I don't know exactly. I said she was four years old but I made a mistake when I said that. I find out she aint but a little over three years old.  
Q In what month was she born? A In February.  
Q What day of the month? A The 8th.  
Q What year? A 1901.  
Q Why is it that you have not made application for the enrollment of this child before now? A The Commission had given Redmond Holmes a blank and I never did get it.  
Q When was that the Commission gave him the blank? A Something like along last year.  
Q Why didn't you apply for this child soon after it was born? A I just neglected it that is all.  
Q Didn't you know that the best land in the Creek Nation is being taken up? A Yes, sir.  
Q Do you remember of filing on your own land? A Yes, sir.  
Q Was this child born then? A No, sir.  
Q The child wasn't born then? A No, sir.  
Q How long after you filed on your land until this child was born. Do you remember? A No, sir.  
Q Were you present when the child was born? A Yes, sir.

Irena Rentie---2.

- Q Who else was present? A Pretty near all the family.  
Q Did you have any body in attendance on your wife? A Yes, sir.  
Q Who was it? A Her name was Eliza. I don't know the other name.  
Q Have you any child younger than Irena? A No, sir.  
Q Can't you form some idea as to how long after you filed until that child was born? A I can't exactly tell.  
Q I know not exactly, but as near as you can? A I knew I filed about the 26 of March but don't remember the year and don't know how long after the child was born.  
Q Are you positive it was not born when you filed? A Yes, sir.  
Q Was it born the next February? A I couldn't tell.  
Q Are you positive the child was born in February? A Yes, sir.

The records of the Commission show that John Rentie, the father of Irena Rentie, appeared before the Commission, March 27, 1901, and made application for a selection of land in the Creek Nation.

By Mr. McKennon:

- Q Did you make any record of the birth of the child? A Yes, sir. I put it down in a book.  
Q Did you put down at the time the child was born or afterwards? A Yes, sir, afterwards.  
Q How long? A Two or three days after.  
Q Is that the record you made? (exhibiting some writing in a book) A Yes, sir.  
Q You wrote that yourself? A Yes, sir.  
Q You say you wrote that down two or three days after the child was born? A Yes, sir.  
Q This record reads "Irena Rentie born February 8, 1901" Is that your family record? A Yes, sir.  
Q Did you make that record yourself? A Yes, sir.

By Commission:

- Q I find some other entries in here, relative to the births of other persons, did you write those entries? A Yes, sir.  
Q Did you write them all? A Yes, sir.  
Q I find one here in regard to Martha Butler. Did you write that? A Yes, sir.  
Q I will get you to write on that piece of paper (handing applicant a piece of paper) the words "Irena Rentie born Feb. 8th 1901." Now I will get you to write on this (handing witness another piece of paper) the words "Martha Butler born Dec. 29th 1896." You wrote all these entries in this book yourself did you? A Yes, sir.

The book presented is the Auto biography of Benjamin Franklin. The book is returned to the witness.

By Mr. McKennon:

- Q Did you write that date in that book correctly at the time. The date of Irena Rentie's birth? A Yes, sir, I wrote it right after.  
Q Did you write it correct. At the time you know whether it was correct or not? A Yes, sir.  
Q You know the months of the year do you? A Yes, sir.  
Q Do you read the English Language? A Yes, sir.  
Q And you wrote that in your own hand-writing? A Yes, sir.

ELIZA LINCOLN, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Eliza Lincoln.  
Q How old are you? A I don't know.

Witness appears to be at least sixty years of age.

Irena Rentie---8.

Q What is your post office address? A Neontuchka.  
Q Are you a citizen of the Creek Nation? A Citizen of the  
Seminole.  
Q Do you know John Rentie? A Yes, sir.  
Q Do you know his wife, Judy? A Yes, sir.  
Q Do you know a child of theirs named Irena? A Yes, sir.  
Q Were you present when that child was born? A Yes, sir.  
Q How old is that child? A Two years old past.  
Q Were you the mid-wife in attendance? A Yes, sir.  
Q How far do you live from John Rentie? A I live about ten miles.  
Q Are you related to John Rentie's wife? A Yes, sir, second  
cousin.

By Mr. McKennon:

Q Do you remember what month that child was born in? A February.  
Q Do you know the year it was born? A No, sir.  
Q What time in February was it? A The first.  
Q Do you mean the first day or early in February? A Early in  
February.  
Q Do you think that it is only two years old? A I think it will  
be three next year.

I have no further evidence to offer in this case.

By Commission:

An affidavit heretofore filed with the Commission in this  
case is made part of the record herein.

-----;O:-----

I, Drennan C. Skaggs, on oath state that the above and foregoing  
is a full, true and correct transcript of my stenographic notes as  
taken in said cause on said date.

*Drennan C. Skaggs*

Subscribed and sworn to before me this 4 day of October, 1904.

*[Signature]*  
Notary Public.

COMMISSIONERS:  
TAMM REEDY,  
THOMAS B. HENDLER,  
C. E. BRICKENRIDGE,  
—  
WM. G. BRALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*D. H.*

COPIES OF THIS LETTER TO THE CHAIRMAN
Creek No. 662.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, April 22, 1905.

John Rentie,

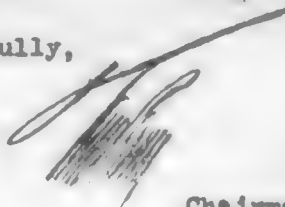
Tidmore, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of April 10, 1905, in the matter of the application for the enrollment of your minor child, Irena Rentie, in which you ask to be informed what further evidence is necessary in said case.

In reply you are advised that the Commission desires evidence showing the correct date of the birth of said child, and also whether or not she was living on March 4, 1905. You will be allowed thirty days from date within which to introduce such evidence before the Commission at its office in Muskogee, Indian Territory.

Respectfully,



Chairman.

CR EN 663

CR EN 663



DEPARTMENT OF THE INTERIOR  
COMMISSION TO TAKE DEEDS OF CIVILIZED TRIBES  
OKMULONE, I.T. - OCTOBER 14th, 1903.

In the matter of accounting for those persons whose names appear on the Creek tribal rolls, who died prior to April 1st, 1899, and are not shown on said rolls to be otherwise accounted for.

Timmie Wife, being first duly sworn by R. R. Gravens, notary public testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Timmie Wife.
- Q What is your age? A 48.
- Q What is your postoffice address? A Sapulpa.
- Q Are you a member of the House of Kings for Hitchite Town?
- A Yes, sir.

G. W. Stidham, being first duly sworn by R. R. Gravens, notary public testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A G. W. Stidham.
- Q How old are you? A 44.
- Q What is your postoffice address? A Checotah.
- Q Are you a member of the House of Warriors for Hitchite Town?
- A No, sir, I am a member elect.

James Broadnax, being first duly sworn by R. R. Gravens, notary public testified as follows: (Sam J. Checotah, sworn interpreter)

BY THE COMMISSIONER:

- Q What is your name? A James Broadnax.
- Q What is your age? A About 47.
- Q What is your postoffice address? A Checotah.
- Q Are you a member of the House of Warriors for Hitchite Town?
- A Yes, sir.

The object of this examination is to ascertain who of Hitchite Town whose names appear on the Creek rolls died prior to the opening of the Creek Land Office. (April 1st, 1899).

- Q Hyman Barnett-Page 112? A (By Timmie Wife) He died before the land office opened.
- Q Harriett Barnett? A (By James Broadnax) She died before the land office opened.
- Q William Frank, Simishoye Frank? A (By Timmie Wife) They died before.
- Q Eli Collins? A (By James Broadnax) He died before.
- Q Thompson? A (By Timmie Wife) He died before.
- Q Molly Thompson? A Died long time before.
- Q Tippie Kannard? A Tippie died before.
- Q Josephine Cousins? A Died long time ago.
- Q Anderson? A Cilla Anderson has two children.
- Q What are their names? A Walter and Andrew.
- Q Lizzie Morrison? A She died long time ago.
- Q John Morrison? A He died just before the land office opened.
- Q Bettie Long - Page 113? A She died before the land office.
- Q Willie Ansill? A He died 6 years ago in the Fort Smith jail. (Above answer by G. W. Stidham)
- Q Lonie Bennett? A (By G. W. Stidham) She died before.
- Q G. W. Stidham? A He has been dead a good while - 14 years ago. He was my father.
- Q Priscilla Boon? A That was my aunt. She died a good while ago.
- Q Before the land office opened? A Yes, sir.
- Q Jennie Collins? A She died before the land office ever opened.
- Q Lizzie Gibson? A She is a white woman.
- Q Walter Gibson, Elizabeth Ingram? A They died a long time ago.



**WICHITA TOWN #2. Timmie Fife. G. W. Stidham. James Broadnax.**

Q Before the land office opened? A Yes, sir.  
Q Isaac Kanard? A (By Timmie Fife) He died before the land office opened.  
Q John Stidham? A He died a long time ago. Before the land office opened.  
Q Thomas Perryman - Page 114? A He died before the land office opened.  
Q Frank? A They had a dispute. Some said a little before the land office opened. Some said it was after.  
Q That he died, you mean? A Yes, sir.  
Q You are not sure? A No, sir.  
Q George Frank? A He died a good while ago.  
Q William Lerblance? A Died a ~~great~~ long time ago.  
Q Before the land office opened? A Yes, sir.  
Q E. H. Lerblance? A He died before the land office opened.  
Q Wiche? A (By James Broadnax) She died after the land office opened.  
Q Mahaley? A Died before the land office opened.  
Q Samps? A Died before the land office.  
Q Ceshee? A Died before the land office opened.  
Q Willie? A He died before the land office opened.  
Q Lopoche? A Died before the land office opened.  
Q David Frank? A Died long time ago.  
Q Sarah E. Doyle? A (By G. W. Stidham) She died 6 or 7 or 8 years ago.  
Q Choffe Harjo? A (By James Broadnax) She died before the land office opened.  
Q Nancy? A (By Timmie Fife) What is the name of her mother?  
A (By Timmie Fife) Martha Kernel.  
Q Is she living? A Yes, sir.  
Q Is she a full blood Creek? A Yes, sir.  
Q Her father was a Commanche Indian? A Yes, sir.  
Q About how old is Nancy? A About 17 or 18 years old.  
Q Where is Nancy now? A In the Commanche school I suppose.  
Q How long has she been there? A She never has been here.  
Q Do you know whether Nancy is recognized out there among the Wichitas? A No, sir, I am not sure whether they recognize her or not.  
Q Does she go by the name of Nancy Kernel? A Yes, sir, some times.  
Q Mattie Lipscomb - Page 115? A She died before the land office opened.

**1891 Omitted Roll.**

Q Nora Morrison (#733)? A (By Timmie Fife) She died a long time ago.  
Q Before the land office opened? A Yes, sir.  
Q Jack Arbuckle (735)? A He died before.  
Q Lela M. Steadham, daughter of G. W. Steadham, (738)? A (By G. W. Stidham) She is living and has filed. I have my certificate for her  
Q Vinny Grayson (739)? A She is living.  
Q Pearl Gibson (1097)? A She is living.

**1895 Roll.**

Q Annie Thompson? A (By Timmie Fife) She died before the land office opened.  
Q Koteler Pusler? A He is dead, but I don't know whether he died before the land office or not.  
Q Kate Grayson? A (By G. W. Stidham) She died before the land office opened.  
Q Martha Harkey? A (By James Broadnax) I think she is a Seminole.

**1895 Omitted Roll.**

Q Timmie Barnett? A (By James Broadnax) He died before the land office opened.

NITCHIE TOWN 46.

The undersigned, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the testimony in the matter of accounting for those persons whose names appear on the Creek Tribal rolls, who died prior to April 1st, 1900, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*P. P. Craven*

Subscribed and sworn to before me this the 23rd day of October, A. D., 1903, at Muskogee, Indian Territory.

*Edward Murrick*  
NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 30, 1904.

In the matter of the application for the enrollment of Lizzie Gibson as a citizen of the Creek Nation, being an adopted white.

LIZZIE GIBSON, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Lizzie Gibson.  
Q How old are you? A Forty-four.  
Q What is your post office address? A Eufaula.  
Q Are there any other persons that you desire to make application for at this time? A No, sir.  
Q Do you claim to be on the Authenticated Creek Rolls? A Yes, sir.  
Q What town do you belong to? A Hitchitee.  
Q What is the name of your husband? A Micco Gibson.  
Q Have you any children that are enrolled as citizens of the Creek Nation? A Yes, sir. I have five that are living.  
Q Give their names beginning at the oldest? A Isparhecher, Daisy, May Della, Pearl and Irene.  
Q Is that all? A Yes, sir.  
Q Who is Julia Gibson? A That is my oldest daughter. She is dead though.  
Q Did you draw the \$29.00 payment in 1890? A Yes, sir.  
Q Did you draw the \$14.40 in the Creek nation in 1895? A Yes, sir, and I drew the \$4.00 head-right.  
Q Are you certain that you drew the \$14.40 in 1895? A Yes, sir.

The 1890 Authenticated Creek Roll, Hitchitee Town, examined and the applicant, Lizzie Gibson, found thereon with the family of Micco Gibson.

The 1895 Pay Roll and the 1895 Omitted Roll, Hitchitee Town, examined and the name of Lizzie Gibson is not found thereon.

The records of the Commission show that Micco Gibson, the husband of the applicant herein, together with his children, Isparhecher, Daisy, May Della, Pearl and Irene Gibson are regularly enrolled on Creek Indian Card Field No. 3717, and that the card shows that the applicant, Lizzie Gibson, the mother of said children, is a non-citizen.

Reference is also made to testimony taken at Okmulgee, October 16, 1903, and March 24, 1904, marked evidence No. 42 and 119, respectively.

- Q When do you claim to have been adopted as a citizen of the Creek Nation? A Twenty-four years this coming October.  
Q Before the council at Okmulgee? A Yes, sir, during the session of the council.  
Q That would be October 1880, A Yes, sir. I was adopted by Judge Stidham. He was Town King then.  
Q You stated a moment ago that you drew the \$14.40 payment in 1895. Are you sure you are not mistaken? A Yes, sir. I sure did. I can swear it and I can prove it.  
Q You haven't anything further to say, have you, with reference to this case? A No, sir.

W. E. GENTRY, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A W. E. Gentry.

Lissie Gibson--3.

- Q What is your age? A Sixty-two.  
Q What is your post office? A Okmulgee.  
Q Are you acquainted with the applicant here, Lissie Gibson? A Yes, sir.  
Q Is she married to one, Micoe Gibson? A Yes, sir.  
Q Is Micoe Gibson a citizen of the Creek Nation? A Yes, sir.  
Q What town does he belong to? A Hitchitee.  
Q Are you acquainted with the children of Lissie and Micoe? A Seen them all but don't remember them.  
Q Do you know that these people have several children? A Yes, sir.  
Q You also know that Micoe Gibson and his children are regularly enrolled as citizens of the Creek Nation? A Yes, sir.  
Q Do you know anything of your own knowledge of the citizenship of Mrs. Gibson, the applicant here? A No, sir.

-----Q:-----

I, Drennan C. Skaggs, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 21 day of September, 1904.

W. H. Martin Jr.  
Notary Public.

No. 642.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-101-

In the matter of the application for the enrollment of Lissie Gibson as a citizen of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on August 30, 1904, Lissie Gibson appeared before the Commission, at Muskogee, Indian Territory, and made application for enrollment as a citizen of the Creek Nation.

Proceedings, relative to accounting for those persons whose names appear on the Creek Tribal Rolls, not theretofore accounted for, were had, October 16, 1903 and March 24, 1904, and copies thereof are made part of the record herein.

The evidence shows that said Lissie Gibson is identified on the 1890 Authenticated Roll of the Creek Nation, and an examination of the 1895 Doubtful Roll of said nation shows that she is not identified on that roll.

It is, therefore, the opinion of the Commission that said Lissie Gibson should be enrolled as a citizen of the Creek Nation, in accordance with the provisions of the acts of Congress, June 30, 1896 (30 Stats., 498) and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(Signed)

James Dixey  
COMMISSIONER.

(Signed)

J B Needles  
COMMISSIONER.

(Signed)

C R Breakenridge  
COMMISSIONER.

Muskogee, Indian Territory,  
MAY 23 1905

44  
En. 663

Muskogee, Indian Territory, October 26, 1904.

Lizzie Gibson,

Mufaula, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of October 23, in which you ask to be advised if you have been filed. You also inquire if any further evidence is needed in regard to the \$14.00 payment.

In reply you are advised that on August 30, 1904, you made application for enrollment as a citizen of the Creek Nation; that the case is now before the Commission and when final action is taken in the matter you will be duly advised.

Respectfully,

Chairman.



En. 663.

Muskogee, Indian Territory, May 24, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Lizzie Gibson as a citizen of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made said Lizzie Gibson will be ~~regularly~~ listed for enrollment as a citizen of the Creek Nation.

Respectfully,

Enc.  
IM-24.

Chairman.



Cr En 663

Muskogee, Indian Territory, August 9, 1906.

Lizzie Gibson,

Mufaula, Indian Territory.

Dear Madam:

You are hereby advised that your name is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior July 31, 1906, and that application for a selection of land in the Creek Nation may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

An entire allotment of 160 acres must be selected at the time of the original application.

Respectfully,

Acting Commissioner.

CR EN 664

CR EN 664

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Muskogee, Okla., August 30, 1904.

IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT OF STEVE  
AND HENRY GRAYSON AS CREEK FREEDMEN.

AMMAWAGUMMI M. TO NOTS Attorney for Creek Nation!

JOE GRAYSON, being duly sworn, testified as follows:

Q What is your name? A Joe Grayson.  
Q How old are you? A Twenty-five.  
Q What is your present address? A Muskogee.  
Q You have been making application for the enrollment of Steve and  
Henry as Creek Freedmen? A Yes, sir.  
Q What relation is Steve Grayson to you? A Brother.  
Q What relation is Henry? A Sister.  
Q Is Steve Grayson living? A No, sir.  
Q How long ago did he die? A About two years ago.  
Q How long ago did he die? A Yes, sir.  
Q How long ago did he die? A I don't tell you that.  
Q How long ago did he die? A About eight years old.  
Q How long ago did he die? A Yes, sir.  
Q How long ago did he die? A No, sir, dead.  
Q How long ago did he die? A The day about three years ago.  
Q How long ago did he die? A Five years old.  
Q How long ago did he die? A I can't tell you that.  
Q How long ago did he die? A Henry Grayson.  
Q Is he a nephew of the Creek Nation? A Yes, sir.  
Q How long ago did he die? A Betty Grayson.  
Q How long ago did he die? A Yes, sir.

After an examination of the records in the office of the  
Commissioner it appears that Henry Grayson and Betty Grayson, the  
father and mother, respectively, of the deceased applicants,  
are presently enrolled as Creek Freedmen, on Creek Freedman  
Card No. 500, and on the same card appear the names of  
Joe, Willie, Susan, Grace, Elmer and Stephen Grayson.

Q The person whose name appears on Freedman Card No. 500, is not  
the one that you are making application for is it? A No, sir.  
Q How long ago did you see him? A Yes, sir.  
Q How long ago did you see him? A Yes, sir.  
Q How long ago did you see him? A Yes, sir.  
Q How long ago did you see him? A Yes, sir.  
Q How long ago did you see him? A Yes, sir.  
Q How long ago did you see him? A Yes, sir.  
Q How long ago did you see him? A Yes, sir.  
Q How long ago did you see him? A Yes, sir.

The 1880 Authorized Tribal Roll of the Creek Nation,  
Muskogee, examined and it appears therefrom that neither  
the name of Steve Grayson nor Henry Grayson appears thereon  
but the name of Hatcher (Stephen) Grayson is found thereon at  
Page 15.

The 1880 Tax Roll, Muskogee, examined and neither of  
the applicants found thereon. Neither does it appear that the  
name of Hatcher Grayson is found thereon.

**Steve and Minnie Grayson**

Q Can you tell about when Steve Grayson was born? A Yes, sir.  
Q Do you know with any degree of certainty when he died? A No,  
sir, I don't know that.  
Q Can you tell when Minnie Grayson was born? A Yes, sir.  
Q Can you tell, with any degree of certainty, when Minnie died? A  
Yes, sir.  
Q About how long ago did Steve Grayson die? A About two years ago.  
Q About how long ago did Minnie Grayson die? A Three years ago.

Hetty Grayson, being duly sworn, testified as follows:

By Commission:  
Q What is your name? A Hetty Grayson.  
Q How old are you? A I don't know.  
Q About how old are you? A Forty-five I guess.  
Q What is your post office address? A Haskell.  
Q Are you the mother of Steve and Minnie Grayson? A Yes, sir.  
Q When was Steve Grayson born? A I can't tell.  
Q About what? A I couldn't tell at all.  
Q When did Steve die? A About three years ago. I can't tell.  
Q When was Minnie Grayson born? A I don't know that, either.  
Q When did Minnie die? A About two years ago. Now I can't tell  
at all.  
Q Have you ever appeared before the Commission and made applica-  
tion for these children before now? A I have been here several  
times. They told me I couldn't file for them that is the reason  
and I am a widow.  
Q When were you told that you could not file for them? A Yes,  
sir.  
Q When was the reason what? A No.  
Q Are you a citizen of the United States? A Yes, sir.

The records of the Commission examined and it appears that  
Hetty Grayson, the witness, is regularly enrolled on Utah  
Homestead Card, Field No. 500.

-----

I, Kenneth C. Hays, do hereby state that the above and foregoing  
is a true and complete transcript of my stenographic notes as taken  
in said room on said date.

*Kenneth C. Hays*

Subscribed and sworn to before me this 27th day of September, 1904.

*Notary Public*

DECLARATION OF THE INTENTION  
of the said WILLIAM DRAYSON,  
born 1908, English,  
February 17, 1908,

Page 1

In the matter of the Application for the enrollment of slave  
and child Drayson as "free person": (Additional testimony).

At WATSON, Maine this 10th day of February, 1944.

My commission:

Q What is your name? A I am Drayson.  
Q How old are you? A I don't know.  
Q Don't you know about how old you are? A No, sir.  
(Witness appears to be about 15 years old).  
Q What is your postoffice address? A Watson.  
Q What is the name of your father? A Henry Drayson.  
Q What is the name of your mother? A Betty Drayson.  
Q Are they both living? A Yes, sir.  
Q What are the names of your brothers and sisters, if you have any?  
A I have one brother, deceased name Steve, deceased.  
Q Is Steve Drayson living? A No, he is living and she is dead.  
Q Is Steve Drayson for whom application for enrollment is pending,  
living? A Yes, sir, that she is dead.  
Q When did he die? A I don't tell you, I was small.  
Q Did Steve Drayson die before the 10th payment in the Greek  
toll? A I don't tell you.  
Q Did you ever draw any money from the Greek toll at any time?  
A No, mother did.  
Q Do you remember the 10th payment? A No, sir.  
Q Do you remember when the "Greek toll office" opened? A No, sir.  
Q Is Henry Drayson living? A No, sir.  
Q When did he die? A He died after Steve.  
Q About how many years ago was it that Henry Drayson died? A I  
don't tell you.  
Q Was it ten years ago? A I don't think it was that long.  
Q Was it ten years ago? A Yes.  
Q Are you sure that it is ten years since Steve died? A Oh yes  
I am sure it was ten years.  
Q Did Henry die as much as a year after Steve? A He might have,  
I don't know.  
Q Was it as much as ten years after Steve died that he died? A  
No, I do not think it was that long.  
Q Were there children still brothers and sisters of yours? A Yes, sir.  
Q Name father and name mother? A Yes, sir.  
Q You spoke of brother Drayson-how long since he died? A He died  
after Steve died.  
Q As much as ten years? A Yes, sir.  
Q If somebody had sworn that this Steve Drayson, who is enrolled  
on the name card as Henry and Betty Drayson, is living now is  
that a mistake? A Yes, sir, I know it is a mistake.  
Q Have you a brother, Steve Drayson, living now? A Yes, sir.  
Q The Steve who is dead is quite a few years older than this Steve  
who you state is living, is he not? A Yes, sir.  
Q On February 8, 1940, Betty Drayson made application for a collec-  
tion of an allotment of land in the Greek toll, and in her  
testimony before the land office the following questions were

L. Scales--2.

- asked: "Q For whom do you make application for enrollment? A Steve Grayson, deceased.
- Q Is he now living? A He is dead.
- Q How do you represent this person? A As his mother."
- Q On December 30, 1904, an affidavit was filed with the Commission executed by Joe Grayson, in which he states that he is a brother of Steve Grayson who died in the Summer of 1902. How do you explain that? A Just tell me which one you are talking about--the one that is dead or the one living--and I will tell you.
- Q Do you know of any attempt on the part of your mother, Betty Grayson, to represent this Steven Grayson who is dead as being the one that is now living? A I don't know.
- Q How did your mother come to make this application for this Steve Grayson who you state died so many years ago, and who had her to do it? A Her renter had her to do it. He told her to in order to try to get her to take the land from the boy that is now living. He is the very man that put mama and Jow up to it, and I said I did not see how you can do it because Steve has been dead too long. He said that if he started it he could get it through all right. Mama did not understand what this man was going to do, and did not know what he was driving at.
- Q What is this man's name? A Henry Stillwell.
- Q Where does he live? A Near us, up there.
- Q What is his postoffice address? A Haskell.
- Q Is he a citizen of the Creek Nation? A No, sir.
- Q Is he a colored man? A A white man.
- Q If your mother made out an affidavit that this Steve, who is about five years old, was dead that was a mistake was it not?
- Q Yes, sir, because he is living now.
- Q If your brother made out an affidavit stating that his brother Steve died in 1902 and he meant it to refer to that older brother who you now state died ten years ago he id that at the instigation of this white man did he? A Yes, sir.
- Q He was fraudulent trying to get land? A Yes, sir.
- Q And if your mother, Betty Grayson, testified before the Land Office that this younger brother Steve was dead she was mistaken was she? A Yes, sir, she was mistaken.
- Q And if she gave that testimony and endeavored to get land for that older brother (Steve) who you say died ten years ago--was that her fault or the renter's? A No that was not her fault, she did not understand; she was put up to it.

I, Zera Ellen Parrish, on oath state that the above and foregoing is a full, true and correct transcript of my stenographic notes as taken in said case.

Subscribed and sworn to before me this 17th day of February 1905.

*Zera Ellen Parrish*  
*Edw. H. Scales*  
Notary Public.



Rn. 664.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY, MARCH 1, 1905.

In the matter of the application for the enrollment of Steve and Dinah Grayson as Creek Freedmen.

SUNNY GRAYSON, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Sunny Grayson.
- Q How old are you? A Could not tell; I do not know my age.
- Q About? A Well, I do not know.
- (Witness appears to be about forty-five years of age).
- Q What is your postoffice address? A Tidmore, Indian Territory.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q Have you gotten your land? A Yes, sir.
- Q What is your wife's name? A Idah Grayson; I do not live with Joe's mother now.
- Q What is these children's mother's name? A Betty Grayson.
- Q Did you have two children by the name of Dinah and Steve? A Yes.
- Q Are they dead? A Yes, sir, they are dead.
- Q Did they both die before the Creek Land Office opened? A Yes, sir, I think so, to be the best of my recollection.
- Q When--how long has Steve been dead? A I could not tell just exactly.
- Q Has he been dead as long as eight years? A Yes, sir, longer than that.
- Q Do you think he has been dead ten years? A It might have been ten years since he died.
- Q Do you remember the 1895 Pay Roll? ---the \$17.00 payment? A Yes sir, I remember.
- Q Did Steve Grayson die before that? A Yes, sir.
- Q How long after Steve's death did Dinah Grayson die? A That I could not tell.
- Q Have you a daughter by the name of Leah Scales? A Yes, sir.
- Q She testified that Dinah Grayson died ~~about~~ at least two years after Steve, is that correct? A It might have been.
- Q Did you have another child by Betty named Steve or Steven? A Yes, sir.
- Q Is he living? A Yes, sir.
- Q About how old is he? A I do not know.
- Q Is he enrolled? A I think he is.
- Q He has gotten his land has he? A Yes, he got his land.
- Q Do you live near Betty Grayson now? A No, sir, I live in the Seminole country now.
- Q Do you know anything about your ex-wife Betty ever having done anything about these children? A No, sir.
- Q Did you ever hear anything about that? A Yes, heard something.
- Q What did you hear? A I heard that they aimed to sell this dead child's land and what I hear they claim to have sold this living child's land. But I can't tell the straight of it, 'or I don't know it.
- Q Then you think they are trying to do crooked work? A Yes, from



[illegible]

... a stenographer for the Commission  
... on each state the the above and form-  
... and extract and transcript of my stenographic  
... in each case.

had been at Clark, Ark.

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES/  
MILWAUKEE, INDIAN TERRITORY, MARCH 3, 1908.

-00000-

In the matter of the application for the enrollment of  
Steve and Dinah Grayson as Creek Freedmen.

JOHN GRAYSON, being duly sworn, testified as follows:

EXAMINATION BY COMMISSIONER:

- Q What is your name? A Joe Grayson.
- Q How old are you? A 26.
- Q What is your postoffice address? A Haskell.
- Q What is the name of your mother? A Betty Grayson.
- Q What is the names of your brothers and sisters? A One brother  
named Steve--two named Steve, Butcher, George, Emma, Grace,  
Maisy and Dinah.
- Q When was the oldest Steve Grayson born? A I could not tell you.
- Q Is he living? A No, sir.
- Q When did the oldest Steve die? A He has been dead a good while.
- Q About how long? A Five or ten years, I guess.
- Q Has he been dead as long as ten years? A Guess so.
- Q When was the other Steve Grayson born? A He is five years old  
now, I think.
- Q Is he more than five or less than five? A He may be more than  
five.
- Q Is the older Steve Grayson living? A No, sir.
- Q When did he die? A He had been dead a good while before filing.
- Q I do not know whether before filing but before we filed.
- Q About how many years ago? A I do not know.
- Q Five or six years ago? A I guess so.
- Q Do you know when the 1895 payment was made? A Yes, sir.
- Q Did he die as much as three years after that? A I guess so.
- Q Is the younger Steve Grayson still living? A Yes, sir.
- Q How old is he now? A About five years old.
- Q Do you know anything about your mother trying to get the older  
Steve Grayson enrolled? A Yes, sir.
- Q Well, state what you know about it? A We came up here and put  
in an application to get him on the rolls--him and Dinah--and  
they gave us some blanks or something to fill out, and when we  
filled them out we sent them back. We got a letter from here  
stating that there was 167 1/2 acres filed for Steve Grayson.
- Q This one that you filled the papers out for and made applica-  
tion for---is that the one that is living or dead? A The one that  
is dead.
- Q Did you or your mother at the time believe that that child was  
entitled to be enrolled? A The one dead?
- Q Yes. A No, we did not think he was. We did not claim that  
he was entitled.
- Q Did any one tell you that it could be fixed up? A Yes, sir.
- Q Tell what you know about that? A A fellow called Stillwell  
he told us about it.
- Q Do you know his first name? A Yes, Henry.

Steve & Dinah Grayson....#2.

- Q What is his postoffice address? A Haskell.
- Q What did he tell you about it? A He told us to come in here and said that if it had not been dead long we could get it filed.
- Q Did he know that the child had been dead a long time? Yes, because it had been over ten years since it was dead.
- Q Did you or your mother tell him that? A Yes, we told him.
- Q Did either of you tell him when it died? A No, we did not tell him when it died, because we did not know exactly the date, but we told him it had been about ten years.
- Q And he told you that if you swore that he had not been dead so long you could get it filed? A Yes, sir, that is what he said.
- Q And your mother did come in here and swear that it had not been dead so long did she? A Yes, sir, but she did not testify.
- Q Did anybody tell you, or your mother, what to say when you came in here? A Yes, sir.
- Q Who? Henry Stillwell.
- Q What did he tell you? A Told us to say that one died about a year ago and one died about two years ago in order to get him enrolled.
- Q That child, the oldest Steve Grayson, has been dead about ten years has he? A Yes, sir.

Zera Ellen Parrish, being sworn on her oath, states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Zera Ellen Parrish

Subscribed and sworn to before me  
this 9th day of March, 1905.

Edwin C. Green  
Notary Public.

MA: 884.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.


In the matter of the application for the enrollment of  
Steve and Sarah Grayson, both deceased, as Creek Freedmen.


DECISION.


The record in this case shows that on August 20, 1904, Joe  
Grayson appeared before the Commission of Muskogean, Indian Terri-  
tory, and made application for the enrollment of his deceased  
brother, Steve Grayson, and his deceased sister, Sarah Grayson, as  
Creek Freedmen. Further proceedings were had February 17, March  
1, and March 8, 1905.

The evidence shows that said Steve Grayson, deceased, and  
said Sarah Grayson, deceased, died prior to April 1, 1866.  
It is, therefore, the opinion of the Commission that there  
is no authority of law for the enrollment of said Steve Grayson,  
deceased, and said Sarah Grayson, deceased, or either of them,  
as Creek Freedmen, and that the application for their enrollment  
as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
J. C. Thompson,  
Commissioner.

  
L. C. Thompson,  
Commissioner.

  
L. C. Thompson,  
Commissioner.

Muskogean, Indian Territory,  
JUN 13 1905.

D.A. \_\_\_\_\_

DEPARTMENT OF THE JUSTICE  
COMMUNIST FORM TO THE CIVILIAN  
Muskogee, I. T., February 2, 1908.

In the matter of the death of Dinah Grayson:

DOCK RICHARDS, being duly sworn, testifies as follows:

BY THE COURT: (SIGNED)

Q What is your name? A Dock Richards.  
Q How old are you? A Going on forty-four.  
Q What is your post office address? A Haskell.  
Q Do you know Nettie Grayson? A Yes, sir.  
Q Is she enrolled as a Greek Freedman? A Yes, sir.  
Q Did you ever know a child of hers named Dinah Grayson? A Yes, sir.  
Q What is Nettie's post office address? A It is bound to be  
Haskell, she lives in that neighborhood.  
Q Is Dinah living? A No, sir.  
Q When did she die? A I can't tell but I went to the burying.  
Q Where was she buried? A On Gen Charles Creek.  
Q A year what place? A About three or four miles west of Haskell.  
Q What is the name of the grave yard? A Gen Charles.  
Q How old was Dinah when she died? A I don't know.  
Q Was she over one year old? A Yes, sir.  
Q Was she five years old? A I couldn't tell but she was over one.  
Q I can't think how old she was but I believe I seen her 12 or 14 years  
age. She was a baby.  
Q I will ask you to look at this affidavit (handing witness affi-  
davit). Is that your writing? A Yes, sir.  
Q This affidavit was executed before J. O. Grayson, a notary public,  
about the death of Dinah Grayson. Do you remember that? A Yes,  
sir.  
Q You remember that do you? A Yes, sir.  
Q That was in September, 1904. How long had Dinah been dead when  
you wrote that affidavit? A I couldn't tell you. It has been so  
long I have forgotten. I ain't much of a hand to keep up.  
Q This affidavit was made about a year and a half ago? A Yes, sir.  
Q Had it been dead as much as ten years before that? A I can't  
know, but I am sure that me and my woman went to the burial.  
Q What is your wife's name? A Anna.  
Q Is she living? A Yes, sir, and we both went, but just how long  
it is I can't recollect.  
Q That child, Dinah, was never enrolled was it? A I don't know.  
Q Would you wife Anna know? A I guess she would.  
Q Dock, we want you to tell Nettie Grayson that we want her to come  
in here and give testimony about this child? A I guess she could.  
Q We have written a letter to her at Haskell and she has not paid  
any attention to it. Now we ask you to tell her that we want her to  
come in here right away and testify about the birth and death of  
this child? A Yes, sir.  
Q When you come in here one and a half years ago and made out an  
affidavit about the death of that child had it been as much as five  
years that it died? A I don't know.  
Q Don't you remember of going to that funeral? A Yes, sir.  
Q Did you see that corpse? A Yes, sir.  
Q Was it a child or a grown person? A It was a grown child, about  
three or four years old. I think I saw that child about twelve years  
age.

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-2-

I, D. C. Shaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Shaggs

Subscribed and sworn to before me this 7 day of February, 1906.

Notary Public.



En. 664

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory. February 13, 1906.

In the matter of the application for the enrollment of  
Dinah Grayson as a citizen of the Creek Nation.

EMILY RICHARDS, being duly sworn, testified as follows:

- Q What is your name? A Emily Richards.  
Q What is your age? Thirty four or thirty five.  
Q What is your post office address? A Hasbrell.  
Q Do you know Bettie Grayson? A Yes, sir.  
Q Do you know a child of hers named Dinah Grayson? A Yes, sir.  
Q Is it living? A No, it's dead.  
Q When did it die? A I don't know.  
Q Dock testified that you and he went to the funeral.  
Q We went to the sitting up and the burial too.  
Q When was that? A It's a long time; I don't know when it was.  
Q Was it before or after the Creek land office opened? A I don't know.  
Q Was it before you first heard of people filing? A I don't know.  
Q At the time you sat up at her funeral had you heard of any one filing on land in the Creek Nation? A Yes, sir they was talking about enrolling.  
Q That was before the filing? A Yes, sir.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

*Anna Garrigues*

Subscribed and sworn to before  
me this 13 day of February 1906.

*J. M. McDermott*  
Notary Public



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
Muskogee, Indian Territory, February 14, 1906.

In the matter of the death of Dinah Grayson.

HATTIE GRAYSON, being duly sworn, testified as follows:

Q What is your name? A Hattie Grayson.  
Q What is your age? A I don't know, about 38 I guess.  
Q What is your post office address? A Haskell.  
Q Are you a citizen of the Creek Nation? A Freedman.  
Q On the freedman roll? A Yes, sir.  
Q Are you married? A No, sir, he and my husband separated.  
Q What is your husband's name? A Bonnie Grayson. I I don't live with him.  
Q Did you have a child named Dinah Grayson? A Yes, sir.  
Q Is she living? A Dead.  
Q When did she die? A She died in the winter, I couldn't tell when.  
Q How many winters ago? A I don't know at all.  
Q Do you remember the opening of the Creek land office here in Muskogee when every body came in to file? A No, I don't.  
Q You don't remember? A No, sir I haven't any schooling.  
Q You heard about it didn't you? A Yes, sir I heard them talking about it.  
Q How many years ago was that? A I don't know.  
Q Was Dinah living at that time or had she died before the opening of the land office? A She wasn't living at that time. Dinah died the last payment we got. She died just after that payment.  
Q That was the payment made in 1900 wasn't it? A I guess so.  
Q \$14.00 payment? A I believe so.  
Q We have an affidavit here which appears to have been signed by you by mark dated September 5, 1904 do you remember signing an affidavit about that time? A Yes, sir I remember signing one there at Haskell.  
Q Who else signed that affidavit with you? A Dock Richards.  
Q Was Dock Richards present and did you appear before this man Grayson a Notary public? A Yes, sir he was the man filed it.  
Q In that affidavit you say Dinah Grayson died February 20, 1900 that would be four years ago this February, didn't you make a mistake when you said Dinah Grayson died only four years ago? A I don't know. I can't read nor write and I don't know.  
Q You can't figure? A No, sir.  
Q Can you count up to ten? A No, sir. I ain't no education at all.  
Q Do you know that year this is 1906? A I know when they call me.  
Q Is it 1900 or 1906? A 1906 I guess. I never had no schooling. I was raised up among the Indians.  
Q You don't know the year this child died but you are positive it died immediately after that \$14.00 payment? A Yes, sir I am sure of that.  
Q And the child died before the opening of the Creek land office did it, is that right? A That's right.  
Q You wrote this affidavit that you signed in 1904? A Grayson the man I got to file it.  
Q Did you tell him at that time this child died? A I didn't tell him because I didn't know when it died.  
Q Then if Mr. Grayson put in that the child died February 20, 1900 he made a mistake and he was not a I came right to this place and they gave me papers and I took them back and he made them out.

-2-

Q And you didn't tell him that that was the date the child died?  
A No, sir.

I, Anna Garrigue, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said case on said date.

*Anna Garrigue*

Subscribed and sworn to before me this  
15 day of February 1906.

*J M McDermott*  
Notary Public.

STATEMENT

oooooooooooooooooooo

The copies of testimonies filed herein taken during the month of February 1966, were taken in consequence of a finding of a death affidavit on file since the enrollment case # 664 was closed. Therefore, the testimonies are practically no good and for that reason there were no docket entry made of them.

JM Permutt

(COPY)

TH. 884.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Steve and Dinah Grayson, both deceased, as Creek Freedmen.

D E C I S I O N.

The record in this case shows that on August 30, 1904, Joe Grayson appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his deceased brother, Steve Grayson, and his deceased sister, Dinah Grayson, as Creek Freedmen. Further proceedings were had February 17, March 1, and March 3, 1905.

The evidence shows that said Steve Grayson, deceased, and said Dinah Grayson, deceased, died prior to April 1, 1866.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Steve Grayson, deceased, and said Dinah Grayson, deceased, or either of them, as Creek Freedmen, and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James H. Hays

Chairman.

T. B. Neagle

Commissioner.

C. R. Brinkridge

Commissioner.

• Muskogee, Indian Territory,

JUN 14 1905

IN RE  
THE DEATH OF

*Ameh Greyson*  
a citizen of the  
*Creek* Nation.

Approved ..... 190

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
*Sept. 8, 1902*

*Marble's vol. # F. 1902*  
①

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,

In the matter of the death of Dinah Grayson  
(Here insert name of deceased.)  
a citizen of the Creek  
Cherokee Nation, who formerly resided at or near  
Okla (Here insert name of postoffice), Ind. Ter., and died on the 28 day of  
Feb, 1902.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western DISTRICT.

I, Betty Grayson, on oath state that I am 46  
years of age and a citizen, by Freedman of the Creek Nation;  
that my postoffice address is Haskell (Here insert name of postoffice), Ind. Ter.; that I am  
mother (State relationship as: the father, an uncle, a cousin, etc.) of Dinah Grayson  
(Here insert name of deceased.)  
who was a citizen, by Freedman, of the Creek Nation;  
and that said Dinah (Here insert name of deceased.) died on the 22 day of  
Feb, 1902.

WITNESSES TO MARK:

(Must be Two Witnesses.) } Fredman Rowe  
George Rowe

Subscribed and sworn to before me this 6th day of Sept 1902.  
Johannes Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western DISTRICT.

I, Dock Richards, on oath state that I am 42  
years of age, and a citizen by Freedman of the Creek Nation;  
that my postoffice address is Haskell (Here insert name of postoffice), Ind. Ter.;  
that I was personally acquainted with Dinah Grayson  
(Here insert name of deceased.)  
who was a citizen, by Freedman, of the Creek Nation;  
and that said Dinah Grayson (Here insert name of deceased.) died on the 22 day of  
Feb, 1902.

WITNESSES TO MARK:

(Must be Two Witnesses.) }

Subscribed and sworn to before me this 6th day of Sept 1902.  
Johannes Notary Public.

880

Muskogee, Indian Territory, November 21, 1904.

Retty Grayson,  
Haskell, Indian Territory.

Dear Madam:

September 8, 1904, there was received by the Commission an affidavit relative to the death of your daughter, Dinah, who, it is claimed, was a citizen of the Creek Nation.

The Commission has been unable to identify your said daughter on its rolls, nor does it appear that application has been made for her enrollment as a citizen of said nation.

You are requested to advise the Commission of any other name, if any, by which your said daughter may have been known.

Respectfully,

Chairman.



2873  
Ex. 664.

Muskogee, Indian Territory, November 26, 1904.

H. M. P. Stanford,

Attorney for Steve Grayson et al.,

Okmulgee, Indian Territory.

Dear Sir:

In compliance with your request there is inclosed one copy of the testimony in the matter of the application for the enrollment of Steve Grayson et al., as citizens of the Creek Nation.

Respectfully,

Commissioner in Charge.

HCN-1-11-20

No. 664.

Muskogee, Indian Territory, February 4, 1908.

Betty Grayson,

Haskell, Indian Territory.

Dear Madam:-

In the matter of the application for the enrollment of Steve and Dinah Grayson as Creek Freedmen, you are advised that the Commission desires further evidence relative to the dates of birth and death of said children.

You are hereby notified that you will be allowed thirty days from date hereof within which to appear before the Commission at its office in Muskogee, Indian Territory, with Sonny Grayson and Katie Young, and two other witnesses who know the dates of birth and death of said children, for the purpose of being examined under oath.

This matter should receive your prompt attention.

Yours respectfully,

Chairman.

Gr. No. 444.

Muskogee, Indian Territory, June 26, 1906.

M. Z. Nett,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Steve and Dinah Grayson, both deceased, as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Wm. C. Nett.

Chairman.

Gr. No. 664.

Muskogee, Indian Territory, June 26, 1906.

The Honorable,  
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Steve and Dinah Grayson, both deceased, as Creek Freedmen, including the decision of the Commission, dated June 14, 1906.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Chairman.

12-6-20-265.

Gr.Mn.664.

Muskogee, Indian Territory, June 20, 1904.

Joe Grayson,

Haskell, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your deceased brother and sister, Steve and Sarah Grayson, as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register  
Muskogee.

664

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

September 21, 1905.

I.T.D. 8608-1905  
725

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

June 26, 1905, the Commission to the Five Civilized Tribes transmitted the record of the application of Joe Grayson for the enrollment of his deceased brother, Steve Grayson, and his deceased, sister Dinah Grayson, as Creek freedmen, including the decision of the Commission dated June 14, 1905, denying said application.

July 18, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission denying said application be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated June 14, 1905, denying the application of Joe Grayson for the enrollment of his deceased brother, Steve Grayson, and his deceased sister, Dinah Grayson, as Creek freedmen is hereby affirmed.

Respectfully

Thos Ryan  
Acting Secretary

1 inclosure

Refer in reply to the following:  
Land  
49885-1905

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, July 18, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 26, 1905, transmitting the record of the application for enrollment as Creek freedmen by Joe Grayson for his brother, Steve Grayson, deceased, and for his sister, Dinah Grayson, deceased.

June 14, 1905, the Commission decided adversely to the application.

The record shows that Steve Grayson and Dinah Grayson died prior to April 1, 1899.

In view of the record the approval of the Commission's decision adverse to the application is recommended.

Very respectfully,

C.F. Larrabee

Acting Commissioner.

KNDH  
W



✓  
En 664

Muskogee, Indian Territory, October 2, 1906.

Joe Grayson,

Haskell, Indian Territory.

Dear Sir:

You are hereby notified that under date of September 21, 1906, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1906, denying the application made by you for the enrollment of your brother and sister, Steve Grayson and Minah Grayson (deceased), as Creek Indians.

Respectfully,

Commissioner.

✓  
EN 664

Waskogee, Indian Territory, October 3, 1906.

M. L. Mott,

Attorney for the Creek Nation,

Waskogee, Indian Territory.

Sir:

You are hereby notified that under date of September 21, 1906, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1906, denying the application made by Joe Grayson for the enrollment of his brother and sister, Steve Grayson and Dinah Grayson (deceased), as Creek Freedmen.

Respectfully,

Commissioner.

CR EN 665

CR EN 665

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Muskogee, Indian Territory.  
August 30, 1904.

In the matter of the application for the enrollment of Lena Maxey, Ida Belle Scott, Tom Scott and Sarah Ellen Scott as citizens by blood of the Creek Nation.

APPEARANCES: M. L. Mott, Atty. for Creek Nation.

LENA MAXEY, being duly sworn, on oath, testified:

By Commission:

- Q What is your name? A Lena Maxey.  
Q How old are you? A Twenty-eight years old.  
Q What is your post office address? A Okmulgee.  
Q What are the names of the children for whom you wish to apply? A Ida Belle.  
Q How old is she? A Ten.  
Q What is the next one? A Tom.  
Q How old is he? A Nine.  
Q What is the next one? A Sarah Ellen.  
Q How old is she? A Seven.  
Q Are these children all living? A Yes, sir.  
Q Who is the father of these children? A Frank Scott.  
Q Is he a citizen of the Creek Nation? A No, sir.  
Q Any rights as citizens of the Creek nation that you might claim for these children come through you do they? A Yes, sir.  
Q Do you claim to be a citizen by blood of the Creek Nation? A Yes, sir.  
Q What degree of blood do you claim? A On my mother's side.  
Q Well, what degree? A I don't know.  
Q Are you a full-blood? A I don't suppose so.  
Q Half? A No, sir.  
Q Well about how much do you think you have? A My mother was a three-quarters.  
Q You don't claim that your father had any Creek blood in him do you? A No, sir.  
Q All the rights then that you claim for yourself come through your mother? A Yes, sir.  
Q Is your mother living? A No, sir, she is dead.  
Q How long has she been dead? A Died Jan '98 I believe.  
Q Where at? A Died in Okmulgee.  
Q Where do you now live? A Okmulgee.  
Q How long have you been living in Okmulgee? A Near four years.  
Q Where did you live prior to that time? A I lived in Texas.  
Q Where was you born? A Born in Texas.  
Q How long did you live in Texas? A I lived in Texas a good long time.  
Q Well, about how long? A I lived in Texas about twenty years I guess.  
Q When you moved from Texas where did you move to? A Came to Oklahoma and stayed there about two months and came on down here.  
Q Did you or your children ever draw any money from the Creek Nation? A No, sir.  
Q Do you know whether your mother ever drew any money from the Creek Nation? A Not that I know of.  
Q Have you ever made application to any of the Creek Authorities for admission to citizenship in the Creek Nation, either for yourself or your children, prior to this time? A No, sir.  
Q Did your mother ever make application for enrollment as a citizen of the Creek Nation? A No, sir. From the time she came here until she died she was under the laws of the Creek Nation.

Lena Maxey et al.,--2.

Q What town in the Creek Nation do you claim to belong to? A Tuskabatchee.

Q You say your name is now Lena Maxey? A Yes, sir.

Q How is it your children are named Scott? A Been married the second time.

Q The father of these children then, is dead is he? A No, sir, I don't know whether he is dead or living.

Q He is not living with you now? A No, sir.

Q Your present husband is named Maxey? A Yes, sir.

Q He does not claim any rights as a citizen of the Creek Nation does he? A Not that I know's of.

Q What was the name of your mother? A Her name at the time of her death was Davis. Before she was married it was Fannie Harjo.

Q What relation is Stephen V. Jones Davis to you? A Brother.

Q Full-brother? A Yes, sir.

The Tribal Rolls of the Creek Nation, in the possession of the Commission, examined and none of the applicants herein are identified on any of said rolls.

The record of the proceedings of the Commission, under the act of June 10, 1896 (29 Stat., 321), examined and it does not appear therefrom that any application was made to this Commission, under the provisions of said act, for any of the applicants herein, for citizenship in the Creek Nation.

The records of the Colbert Commission, in the possession of the Commission, examined and it does not appear therefrom that any application was made to said Commission, for citizenship in the Creek Nation, for any of the applicants herein.

-----:Q:-----

I, Dronnan C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Dronnan C. Skaggs

Subscribed and sworn to before me this 22 day of September, 1904.

H. C. Martin  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 30, 1904.

In the matter of the application for the enrollment of Joe Davis and his deceased child, Joe Davis, Jr., as citizens by blood of the Creek Nation.

APPEARANCES: M. L. Mott Attorney for Creek Nation;

JOE DAVIS, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Joe Davis.  
Q How old are you? A Thirty-two.  
Q What is your post office address? A Okmulgee.  
Q Do you desire to make application for the enrollment of yourself and your deceased child, Joe Davis, Jr., as citizens by blood of the Creek Nation? A Yes, sir.  
Q Through whom do you claim your Creek blood? A My mother.  
Q What is the name of your mother? A Sallie Day is when she died. Used to be Harjo.  
Q Your mother is dead? A Yes, sir.  
Q Is your father living? A No, sir.  
Q You don't claim any rights through your father? A No, sir.  
Q Are you a brother of Stephen B. Jones Davis and Tenn. Maxey? A Yes, sir.  
Q Was your mother a citizen of the Creek Nation? A Yes, sir.  
Q Did she ever draw any money from the Creek Tribal Authorities? A If she ever did I do not know it.  
Q Did she, in her lifetime, ever make application to the Creek Tribal Authorities or the Commission for enrollment as a citizen of the Creek Nation? A I don't think she did on account of being sick.  
Q What town do you claim to belong to? A Tuckabatchee.  
Q Did you ever draw any money from the Creek Nation? A No, sir.  
Q Did you ever prior to this time make application to the Creek Tribal Authorities or the Commission for enrollment as a citizen of the Creek Nation? A No, sir.

Both the 1890 and the 1895 Creek Tribal Rolls, Tuckabatchee Town, examined and neither of the applicants herein found thereon.

The record of the proceedings of the Commission, under the act of June 10, 1896 (29 Stat. 321), examined and it does not appear therefrom that any application was made, under the provisions of said act, for citizenship in the Creek Nation, to this Commission, for either of the applicants herein.

The records of the Colbert Commission, in the possession of the Commission, examined and it does not appear therefrom that any application was made to said Commission, for citizenship in the Creek Nation, for either of the applicants herein.

- Q How old was Joe Davis, Jr., when he died? A He was near seven years old.  
Q When did he die? A This past summer, two years ago.  
Q Now, this is 1904 and it is nearly fall? A It was July.  
Q Do I understand you to say that Joe Davis died in July two years ago? A Yes, sir.  
Q Do you know whether that was in 1901 or 1902? A It was in 1902.  
Q Where do you now live? A Okmulgee.  
Q How long have you been living there? A Since 19-01.  
Q Where did you live prior to that? A Tanna.  
Q Where were you born? A Tanna.

See Davis et al.,--2.

Q Did you live in Texas from the time of your birth until you removed to the Creek Nation? A Yes, sir.

It is ordered that this case, together with that of Jena Maxey et al., be consolidated with that of Stephen F. Jones Davis.

-----f( )-----

I, Drennan C. Skaggs, on oath state that the above and foregoing is a full, true and correct transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 22 day of September, 1904.

W. H. Martin Jr.  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 30, 1904.

In the matter of the application for the enrollment of Stephen F. Jones Davis as a citizen by blood of the Creek Nation.

APPEARANCES: M. L. Mott Attorney for Creek Nation.

STEPHEN F. JONES DAVIS, being duly sworn, testified:

By Commission:

- Q What is your name? A Stephen F. Jones Davis.  
Q How old are you? A Twenty-six.  
Q What is your post office address? A Okmulgee.  
Q Are you a regular resident of the Creek Nation? A Near four years.  
Q You have lived in the Creek Nation four years? A Not quite four years. Near four years.  
Q Where did you live prior to your coming into the Creek Nation? A Texas.  
Q Where were you born? A In Texas.  
Q Did you live in Texas all the time from the date of your birth until you came into the Creek Nation four years ago? A Excepting a little while over in Oklahoma.  
Q What is the name of your father? A Ned Davis.  
Q Was he a citizen of the Creek Nation? A No, sir.  
Q Any rights that you claim does not come through your father? A No, sir.  
Q What was the name of your mother? A Sallie Harjo. Was Davis after she married.  
Q Was she a citizen of the Creek Nation? A Yes, sir.  
Q What degree of Creek blood do you claim? A About three-eighths for she was-----I don't know whether she was a full-blood or three-quarters.  
Q You don't claim to be a full-blood Creek Indian? A No, sir.  
Q Is your mother living? A No, sir. She is dead.  
Q Is your father living? A No, sir, he is dead.  
Q Where did your mother die? A Okmulgee.  
Q How long ago? A 1902 in October.  
Q In October, 1902? A Yes, sir.  
Q Did you ever draw any money from the Creek Nation? A No, sir.  
Q Do you know whether your mother ever drew any money from the Creek Nation? A If she did I can't say.  
Q What Indian Town do you claim to belong to? A Tuccabatchee.  
Q That was the Town your mother belonged to was it? A Yes, sir.  
Q Have you ever made application to any of the authorities of the Creek Nation for enrollment prior to this application? A No, sir.  
Q Do you know whether your mother ever made application for enrollment as a Creek Citizen? A No, sir. When we came back here she was disable to get down here to make application.  
Q You say you have been living in the Creek Nation for about four years? A Yes, sir.  
Q Why is it you have never appeared before the Commission before this and made application? A Because I never did know how to appear after mother died. Some would tell me one way and some another.  
Q Did any one ever tell you that you was entitled to enrollment as a citizen of the Creek Nation? A My mother did.  
Q You have no home or improvements in the Creek Nation? A No, sir.

S. F. J. Davis--2.

An examination of the Creek Tribal Rolls is made and it is found that the name of Stephen F. Jones Davis does not appear on any of said Rolls.

It further appears from an examination of the records of the Commission that no application has ever heretofore been made for the enrollment of the applicant herein.

-----:O:-----

I, Drennan C. Skaggs, on oath state that the above and foregoing is a full, true and correct transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 22 day of September, 1904.

W. H. Martin Jr.  
Notary Public.

No. 648.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:0:-

In the matter of the application for the enrollment of Stephen F. Jones Davis, Lena Maxey, Ida Belle Scott, Tom Scott, Sarah Ellen Scott, Joe Davis and Joe Davis, Jr., as citizens by blood of the Creek Nation.

-: DECISION :-

The record in this case shows that on August 30, 1904, Stephen F. Jones Davis, for himself; Lena Maxey, for herself and her three minor children, Ida Belle Scott, Tom Scott and Sarah Ellen Scott, and Joe Davis, for himself and his minor child, Joe Davis, Jr., appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as citizens by blood of the Creek Nation.

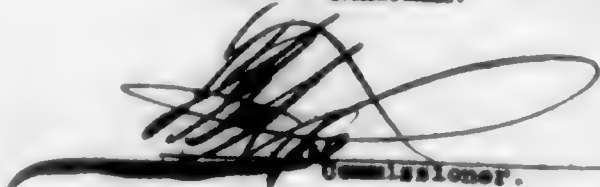
The evidence shows that none of the applicants are full blood Creek Indians.

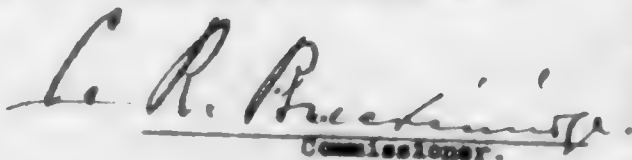
It does not appear from the evidence that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor have they, or any of them, been admitted to citizenship in the Creek Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of Stephen F. Jones Davis, Lena Maxey, Ida Belle Scott, Tom Scott, Sarah Ellen Scott, Joe Davis and Joe Davis, Jr., as citizens by blood of the Creek Nation and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

Herst

Creek An 665

Muskogee, Indian Territory, January 27, 1906.

Joe Davis,

Okmulgee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor child, Joe Davis, Jr., as citizens by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

JYM-27-1.

WHL  
Creek An 666

Muskogee, Indian Territory, January 27, 1906.

Lena Macey,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, Ida Belle, Tom and Sarah Ellen Scott, as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.  
JYM-E7-E

11/21/14  
Creek An 666

Muskogee, Indian Territory, January 27, 1906.

Stephen F. Jones Davis,

Okmulgee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.  
JYM-27-3

Hest

Creek En 668

Muskogee, Indian Territory, January 27, 1905.

M. L. Kott,  
Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the applications for the enrollment of Stephen F. Jones Davis, et al., as citizens by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

372-27-4.



74X

Creek 22 666

Kuskogee, Indian Territory, January 27, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the applications for the enrollment of Stephen F. Jones Davis, et al., as citizens by blood of the Creek Nation, including the decision of the Commission, dated January 5, 1905.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

JYM-27-6.

I.T.D.1308-1905.

DEPARTMENT OF THE INTERIOR,      FILE.

LRS.

WASHINGTON, March 8, 1905.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentl men:

January 27, 1905, you transmitted the record in the matter of the applications for the enrollment of Stephen F. Jones Davis, et al. (Creek Nn-665), as citizens by blood of the Creek Nation, including your decision of January 5, 1905, rejecting the applicants.

Reporting in the matter February 4, 1905, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,  
Acting Secretary.

1 inclosure.

Refer in reply to the following:  
Land: 8561-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, February 4, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 27, 1905, transmitting the record of the application, made August 30, 1904, for the enrollment as citizens by blood of the Creek Nation by Stephen F. Jones Davis for himself; by Lena Maxey for herself and her three minor children, Ida Belle Scott, Tom Scott and Sarah Ellen Scott and by Joe Davis for himself and his minor child, Joe Davis, Jr.

January 5, 1905, the Commission decided adversely to all the applicants.

The record shows that no prior application has been made; that none of the applicants are full blood Creek Indians and that none of them has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

M.M.M.  
W.

✓  
Jr 4a 665

Kuskogee, Indian Territory, March 25, 1905.

Joe Davis,

Okmulgee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 8, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, denying the application for the enrollment of yourself and minor child, Joe Davis, Jr., as citizens by blood of the Creek Nation.

Respectfully,

Chairman.

✓  
Jr En 665

Muskogee, Indian Territory, March 25, 1905.

Stephen F. Jones Davis,

Okmulgee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 8, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, denying your application for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

✓  
Cr En 665

Muskogee, Indian Territory, March 25, 1905.

Lena Maxey,

Okmulgee, Indian Territory.

Dear Madam:

You are heroby advised that the Secretary of the Interior, under date of March 8, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, denying the application for the enrollment of yourself and minor children, Ida Belle, Tom and Sarah Ellen Scott, as citizens by blood of the Creek Nation.

Respectfully,

Chairman.

✓  
Or En 665

Muskogee, Indian Territory, March 25, 1905.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of March 8, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, denying the applications for the enrollment of Stephen F. Jones Davis, et al. as citizens by blood of the Creek Nation.

Respectfully,

Chairman.



CR EN 666

CR EN 666

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T., August 30, 1904.

In the matter of the application for the enrollment of Robert Bair as a Creek Freedman.

APPEARANCES: M. L. Mett Attorney for Creek Nation.

ELLA BAIR, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Ella Bair.  
Q What is your age? A Nineteen.  
Q What is your post office address? A Kellyville.  
Q Are you a recognized citizen of the Creek Nation? A Yes, sir.  
Q Do you make application for the enrollment of your deceased child, Robert Bair, as a Creek Freedman? A Yes, sir.  
Q Is this child living or dead? A Dead.  
Q How old was it when it died? A It was six months old.  
Q When did it die? A In June.  
Q June when? A June 10.  
Q What year? A 1901.  
Q When was this child born? A December 10, 1900.  
Q Did June 10, 1901? A Yes, sir.  
Q Who is the father of this child? A Homer Bair.  
Q Is he living? A Yes, sir.  
Q Is he a citizen of the Creek Nation? A No, sir.  
Q What is his nationality? A White.  
Q Is he a citizen of the United States? A Yes, sir.  
Q Are you married to Homer Bair? A Yes, sir.  
Q Legally married under the law are you? A Yes, sir.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q To what town do you belong? A I don't know.

The records of the Commission show that Ella Bair, under the name of Ella Baker, is regularly enrolled as a Creek Freedman on Creek Freedman Card, Field No. 1374, and that her name appears on the list of Creek Freedmen, approved by the Secretary of the Interior, March 28, 1902, at No. 4615.

- Q Why haven't you made application to the Commission before this for the enrollment of this child? A I have always been told that I could not.  
Q You don't know now whether it can be or not? A I don't know but though I would try.  
Q Who was present when this child was born? A Mrs. Tiger and my mother.

JENNETTA TIGER, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Jennetta Tiger.  
Q What is your age? A Thirty-seven.  
Q What is your post office address? A Kellyville.  
Q Are you acquainted with Ella Baker now Ella Bair? A Yes, sir.  
Q Is she now the wife of Homer Bair a non-citizen? A Yes, sir.  
Q About how long have they been married? A They been married going on five years now.  
Q Did you know this child, Robert Bair? A Yes, sir, I waited on the mother.  
Q You was present and attended Mrs. Bair when this child was born? A Yes, sir.  
Q When was it born? A December 10, 1900.

Robert Bair--8.

Q Do you know when this child died? A In June. I wasn't present when the child died.

A Do you know about when it died from general information? A It died in June. I don't know what date.

Q What year? A 1901.

Q Do you live in the same neighborhood with the mother of this child? A Live two miles and a half from her.

Q Do you know what name they give to this child? A Robert Bair.

Q Are you a citizen of the Creek Nation? A Yes, sir, by blood.

-----10-----

I, Drennan O. Skaggs, on oath state that the above and foregoing is a full, true and correct transcript of my stenographic notes as taken in said cause on said date.

Drennan O. Skaggs

Subscribed and sworn to before me this 22<sup>nd</sup> day of September, 1904.

W. H. Martin  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Kelleyville, I. T., July 14, 1905.

In the matter of the application for the enrollment of Robert Bear, deceased, as a citizen by blood of the Creek Nation.

SALLIE BAKER, being duly sworn, testified as follows:

BY COMMISSIONER:

- Q What is your name? A Sallie Baker.  
Q How old are you? A About forty-five.  
Q What is your post office address? A Kelleyville.  
Q Are you the mother of Ella Bear? A Yes, sir.  
Q Do you know a child of hers named Robert Bear? A Yes, sir.  
Q Who is the father of that child? A Bear is her husband but that child was born before him and her married.  
Q Do you know when that child was born? A The tenth of December.  
Q What year? A I don't know.  
Q How old would it have been last December if it had been living? A I don't know. I believe it was four years old last December.  
Q How long did it live? A From December to May.  
Q What time in May did it die? A About the middle of May.  
Q Was it as late as the 20th of May? A I don't think it was.  
Q How many months old was it when it died? A Six months old. I heard Ella say the other day it was six months old.  
Q Are you sure it was in the month of May this child died? A Yes, sir, I think it was.  
Q How old was the child when it died. Did you ever figure it up? A No, sir, I can't. It died in May or June.  
Q Who is Stella? A That is my aunt's child.  
Q Did she have a child that died in June? A Yes, sir.  
Q Was it in June of the same year that Robert died? A No, sir, it seems to me that the girls said they died about a year apart.  
Q Can't you think whether that child died in May or June? A It seems to me like it was in May but this girl says it was in June. (indicating a girl who is present)

MARTHA BEAR, being duly sworn, testified as follows:

BY COMMISSIONER:

- Q What is your name? A Martha Bear.  
Q How old are you? A Eighteen.  
Q What is your post office address? A Kelleyville.  
Q Do you know Ella Bear? A Yes, sir, she is my sister.  
Q Do you know her child, Robert? A Yes, sir.  
Q How long has Robert been dead? A I don't know.  
Q You don't know how long he has been dead? A I don't remember but I guess it was three years.  
Q Three years ago last June he died did he? A Yes, sir.  
Q Are you sure it was three years ago this June? A Yes, sir.  
Q Are you sure it was in the month of June? A No, I am not sure whether it was June or not.

SALLIE BAKER recalled

BY COMMISSIONER:

- Q How many years ago did Robert Bear die? A Must be three.  
Q Was it three years ago last June? A I think it was three years.

Ex. 666.---2.

W. H. GWINN, being duly sworn, testified as follows:

BY COMMISSIONER:

- Q What is your name? A W. H. Gwinn.  
Q What is your age? A Twenty-nine.  
Q What is your post office address? A Kelleyville.  
Q Do you know Ella Bear? A Yes, sir.  
Q Do you know a child of hers named Robert Bear? A Yes, sir.  
Q Who was his father? A I don't know.  
Q How many years ago did Robert die? A As near as I can tell it has been three years this last May or June.  
Q Do you know in what month he died? A No I don't.  
Q You think it is three years ago last May or June that he died? A Yes, sir.  
Q How old was he at the time he died? A He was six or eight months old.  
Q He was not as much as a year old was he? A No, sir.

---ooo000ooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 1st day of August, 1905.

Edw. L. Griesel  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, August 18, 1908.

In the matter of the application for the enrollment of  
Robert Bair as a Creek freedman.

Ella Bair, being duly sworn, testified as follows:

Q What is your name? A Ella Bair.  
Q You testified in this case before didn't you? A Yes, sir  
Q When was your child Robert born? A December 10, 1901  
Q You are positive of that? A I am sure of it. It would be four  
years old this next December  
Q When did it die? A June 10, 1902.  
Q Are you sure of that? A Yes, because he was just six months  
old to a day when he died  
Q You are sure he was born December 10, 1901 and died June 10, 1902?  
A Yes, sir  
Q You appeared here before and testified about this child?  
A Yes, sir  
Q At that time you said that the child was born in December 1900?  
A Yes I got it one year earlier than it was. They gave me papers  
to fill out but when I got home and found I had made a mistake  
I thought it wouldn't be worth while to bother with it.

-----  
I, Anna Garrigues, on oath state that the above is a true copy  
of my stenographic notes taken in said cause on said date.

Subscribed and sworn to before me  
this 16th day of August 1908.

*Anna Garrigues*  
*Edward S. Sweeney*  
Notary Public.

No. 666.

I.D.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
of Robert Bair, deceased, as a Creek freedman.

D E C I S I O N.

The record in this case shows that on August 30, 1904, Ella Bair appeared before the Commission to the Five civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Robert Bair, deceased, as a Creek freedman. Further proceedings were had July 14, and August 15, 1905.

The evidence shows that said Robert Bair, deceased, was born December 10, 1901, and that he died June 10, 1902.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Robert Bair, deceased, as a Creek freedman and the application for his enrollment as such is accordingly denied.

  
Commissioner.

Muskogee, Indian Territory.

OCT 12 1905

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JJB  
En. 666.

Muskogee, Indian Territory, September 28, 1904.

M. L. Mott,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the testimony in the matter of the application for the enrollment of Robert Bair, deceased, as a Creek Freedman.

The Creek Nation will be allowed a reasonable time within which to submit evidence in the case if it so desires.

Respectfully,

Chairman.

Creek Km 666

Muskogee, Indian Territory, January 17, 1908.

Ella Bair,

Kelleyville, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your minor child, Robert Bair (deceased), you are advised that the Commission desires further evidence concerning the birth and death of said child.

There are herewith enclosed blank forms of birth and death affidavits, and you are requested to have same filled out and properly executed before an officer authorized to administer oaths, and return them to the Commission in the enclosed envelope.

The Commission also desires the testimony of your mother as to said facts, and you are hereby advised that you will be allowed thirty days from the date hereof within which to bring her before the Commission at its office, in Muskogee, Indian Territory, for the purpose of being examined under oath.

Respectfully,

Chairman.

1 B A  
1 D A

Register.

Am 666

Muskogee, Indian Territory, July 27, 1906.

Willa Bair,  
Kellyville, Indian Territory.

DEAR Madam:

Further evidence is desired in the matter of the application for the enrollment of your deceased child, Robert Bair, as a Creek Freedman.

You are hereby notified to appear before the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, within twenty days from date, with Jennetta Tiger and at least one other witness who knows the exact dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Commissioner.

Register

✓  
En. 666

Muskogee, Indian Territory, October 13, 1905.

Ellie Bair,

Kelleyville, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Robert Bair, deceased, as a Creek freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Mn. 686

Muskogee, Indian Territory, October 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Robert Bair, deceased, as a Creek freedman, including the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1906.

Respectfully,

Commissioner.

AG-37

No. 400

Washoe, Indian Territory, October 18, 1908.

M. E. Mott,

Attorney for Creek Nation,

Washoe, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Robert Blair, deceased, as an Creek Freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

40-200

D.O. 10746-1906  
I.T.D. 14878-1906  
En 666

(copy)

OR  
LLB

LHM

DEPARTMENT OF THE INTERIOR,

WASHINGTON, November 4, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

October 18, 1906, you transmitted the record in the matter of the application for the enrollment of Robert Bair, deceased, as a Jewed Indian, including our decision dated October 12, 1906, adverse to the applicant.

Reporting October 31, 1906, the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and your decision is hereby affirmed.

Respectfully,

(signed)

THOS. AYAK,  
First Assistant Secretary.



Refer in reply  
to the follow  
ing: Lmd  
88791-1908

(Copy)

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

WASHINGTON, October 31, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated October 18, 1908, transmitting the record of the application for enrollment as a Creek Freedman by Robert Blair, deceased.

October 18, 1908, the Commissioner decided adversely to the application.

The record shows that Robert Blair was born December 10, 1901, and that he died June 10, 1908.

In view of the record and of the fact that Robert Blair was not living on March 4, 1906, as provided by the terms of the act of March 3, 1905 (33 Stat., 1071) the approval of the Commissioner's decision adverse to the application is recommended.

Very respectfully,

J. M. Larrabee

Acting Commissioner.

M.M.M.

W.

OF No 666

Muskogee, Indian Territory, November 10, 1905.

Wile Bair,

Kellyville, Indian Territory.

Dear Madam:

You are hereby advised that under date of November 4, 1905, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 18, 1905, denying the application for the enrollment of Robert Bair, deceased, as a Creek Freedman.

Respectfully,

Acting Commissioner.

Or En 666

Muskogee, Indian Territory, November 18, 1905.

M. L. Mott,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Sir:

You are hereby advised that under date of November 4, 1905, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1905, denying the application for the enrollment of Robert Bair, deceased, as a Creek Freedman.

Respectfully,

Acting Commissioner.

CR EN 667

CR EN 667

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 30, 1904.

In the matter of the application for the enrollment of Lewis  
Seales as a Creek Freedman.

APPEARANCES: M. L. Holt Attorney for Creek Nation.

LEAH SEALES, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Leah Seales.  
Q How old are you? A I don't know.  
Q About how old? A About twenty-four.  
Q What is your post office address? A Muskogee.  
Q Do you desire to make application for the enrollment of your  
minor son, Lewis Seales, as a Creek Freedman? A Yes, sir.  
Q How old is he? A Three years old past.  
Q When was he born? A I don't know.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q Who is the father of this child? A Tom Seales.  
Q Is he a citizen of the Creek Nation? A Yes, sir.

The records of the Commission show that Tom and Leah Seales  
father and mother, respectively, of Lewis Seales, are regularly  
enrolled as Creek Freedmen on Creek Freedman Card, Field No.  
808, and that their names are included in the partial list of  
Creek Freedmen, approved March 11, 1903, at Nos. 2275 and 2276,  
respectively.

- Q How old is your daughter, Josephine? A Five years old past.  
Q Do you know when Josephine was born? A No, sir.  
Q How long a time elapsed between the birth of Josephine and Lewis?  
A I don't know.  
Q How much older is Josephine than Lewis? A I don't know.  
Q You haven't any idea when Lewis was born? A I know the month he  
was born in but don't know the date.  
Q Was Lewis Seales living on October 20, 1902? A I don't know.  
Q Do you remember the time when your husband, Tom Seales, made out  
an affidavit for the Commission relative to the enrollment of Seales  
Seales? I don't know.  
Q Is Josephine two years or more or less older than Lewis? A I  
couldn't tell you.  
Q You are certain that you have a child named Lewis are you? A  
Yes, sir.

BETTY CRAYSON, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Betty Crayson.  
Q How old are you? A About forty-five.  
Q What is your post office address? A Muskogee.  
Q Are you the grandmother of Lewis Seales? A Yes, sir.  
Q Are you the mother of Leah? A Yes, sir.  
Q Do you know when Lewis was born? A Yes, sir.  
Q When? A I couldn't tell exactly but say but I was the mid-wife.  
Q About how many years ago was Lewis born? A I don't know.  
Q Couldn't tell exactly. He is three years old past.  
Q How much past? A I can't tell exactly.  
Q Is Lewis living? A Yes, sir. He is three years old past I am  
nervous about it. I ain't got no education.

Lewis Seales--2.

Q Are there any other people in your neighborhood that knew when this child was born? A Yes, sir.

-----O)-----

I, Brennan C. Shaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Brennan C. Shaggs

Subscribed and sworn to before me this 28 day of September, 1904.

W. H. Martin, Jr.  
Notary Public.

En. 667.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE NINE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, MAY 9, 1905.

-00000-

In the matter of the application for the enrollment of  
Lewis Seales as a Creek Freedman.

January 5, 1905, the Commission denied  
the application for the enrollment of Lewis  
Seales as a Creek Freedman, for the reason  
that the evidence shows that said applicant  
was born subsequent to May 25, 1901.

April 5, 1905, the Department remanded  
the case for readjudication in accordance  
with the provisions of the Act of Congress  
approved March 3, 1905.

April 25, 1905, Leah Seales, mother of  
said Lewis Seales, was notified that she  
would be allowed thirty days from date with-  
in which to submit evidence tending to show  
whether or not said Lewis Seales was living  
on March 4, 1905.

LEAH SEALAS, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Leah Seales.  
Q How old are you? A I cannot tell you? (Witness appears to  
be about twenty-six).  
Q What is your postoffice address? A Muskell.  
Q Are you a citizen of the Creek Nation? A Yes.  
Q Are you the mother of Lewis Seales? A Yes, sir.  
Q When was Lewis Seales born? A I do not know, but he was born  
in August I think.  
Q How many years ago was he born? A I do not know.  
Q Is Lewis Seales living? A Yes, sir.  
Q How many years old will he be next August? A Four.  
Q Then he was born in 1901, was he not? A I do not know.  
Q You say that he will be four years old next August? A Yes.  
Q Then in August 1905 he will be four years old, is that right?  
A Yes.  
Q Take four from 1905--how many does that leave do you know? A  
No, I do not know.  
Q In an affidavit that you filed here with the Commission you  
stated that he was born on the twenty-first day of August 1901,  
is that correct? A I do not know.



Reales., #8.

Q Is Lewis Reales living now? A He was living this morning when I left home; if he is dead he died since I left this morning.

WALTER GRAYSON, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

Q What is your name? A Bettie Grayson.  
Q How old are you? A I can not tell you.  
Q Well, about how old are you? A About thirty-eight, I think.  
Q Do you know Leah Reales here? A Yes.  
Q Did you attend on her at the birth of her child, Lewis? A Yes.  
Q Do you know when that was? A Yes, in August.  
Q Do you know what day it was? A I do not know, but believe it was the twenty-second.  
Q What year, do you know? A I can not tell you the year.  
Q If Lewis lived until August 1915 how old will he be? A Four years old, the second week--the twenty-second day, I mean, in August.  
Q And Lewis Reales is now living, is he? A Yes, he was living this morning when I left.

Vern Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above cases and that this is a full, true and correct transcript of her stenographic notes in case.

*Vern Ellen Parrish*

Subscribed and sworn  
to before me this 10th day  
of May, 1915.

*Edna C. Underhill*  
Notary Public

*P. D.*

No. 667.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Lewis Seales as a Creek Freedman.

- I D E C I S I O N -

The record in this case shows that on August 30, 1904,  
Leah Seales appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child,  
Lewis Seales, as a Creek Freedman.

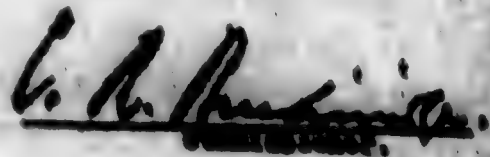
The evidence shows that said Lewis Seales was born subsequent to May 26, 1901.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Lewis Seales as a Creek Freedman and that his application for enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
CHAIRMAN.

  
\_\_\_\_\_  
COMMISSIONER.

  
\_\_\_\_\_  
[unclear]

Muskogee, Indian Territory.

721X  
Creek an 667

Muskogee, Indian Territory, January 17, 1908.

Leah Senlen,

Muskell, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Lewis Senlen, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Respectfully,

J. M. - 17-08.

14524  
Ureok an oot

Muskogee, Indian Territory, January 17, 1906.

Mr. L. Mott,  
Attorney for the Creek Nation,  
Muskogee, Indian Territory.

DEAR SIR:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Lewis Mott as a Creek Freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JY-17-06.

Creek En 667

Muskogee, Indian Territory, January 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Lewis Bealon as a Creek Freedman, including the decision of the Commission, dated January 5, 1906.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

JYN-17-67.

L.F.D. 2223-1900.

W.F. 2223-1900.

DEPARTMENT OF THE INTERIOR,

WASHINGTON April 8, 1900.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sheridan:

January 27, 1900, you transmitted the record in the matter of the application for the enrollment of Lewis Seales as a Creek freedman, including your decision of January 2, 1900, rejecting said application for the reason that the evidence showed that said applicant was born subsequent to May 25, 1901.

Reporting January 24, 1900, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

It appears that Lewis Seales is the minor child of Tom Seales, <sup>and Leah Seales</sup> who you state are regularly enrolled as Creek freedmen, and whose names are enrolled on the partial list of Creek freedmen approved March 15, 1900.

Leah Seales, on August 25, 1904, testified that she did not know whether Lewis Seales was living on October 25, 1901, or not. Betty Grayson, grandmother of Lewis Seales, testified on August 25, 1904, that Lewis Seales was "three years past". The record contains the affidavits of Leah Seales and Betty Grayson, dated October 25, 1901, in which they state that Lewis Seales was born August 24, 1901. The record also contains the affidavits of Leah Seales and Betty Grayson dated September 8, 1904, in which they state that said Lewis

Seales was born on August 17, 1901. The record clearly shows, however, that the applicant was born subsequent to May 25, 1901.

The act of Congress approved March 3, 1903, provides:

"That the Commission to the Five Civilized Tribes is authorized for sixty days after the date of the approval of this Act to receive and consider applications for enrollments of children born subsequent to May twenty-five, nineteen hundred and one, and prior to March fourth, nineteen hundred and five, and living on said latter date, to citizens of the Creek tribe of Indians whose enrollment has been approved by the Secretary of the Interior prior to the date of the approval of this Act; and to enroll and make app allotments to such children."

Under this provision it would seem that the applicant is entitled to enrollment. The case is therefore remanded for readjudication in accordance with said provision.

Respectfully,

(Signed) Theo. Ryan,

Acting Secretary.



Refer in reply to the following:  
Land. 52 40-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, January 24, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 17, 1906, transmitting the record of the application for enrollment as a Creek Freedman by Leah Seales for her minor child, Lewis Seales.

January 5, 1906, the Commission decided adversely to the applicant.

The record shows that Lewis Seales was born subsequent to May 25, 1901.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

M.M.M.  
W.

CR EN 668

CR EN 668

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 30, 1904.

in the matter of the application for the enrollment of Jacob  
B. Dubois et al., as citizens by blood of the Creek Nation.

( Haverly & Givens, Attys. for applicants,  
APPEARANCES:  
( M. E. Mett, Atty. for Creek Nation.

JACOB B. DUBOIS, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Jacob B. Dubois.  
Q How old are you? A Fifty-five. I will be fifty-five.  
Q What is your post office address? A Vashon.  
Q Do you make application for the enrollment of yourself and your  
minor children, Rachel V., Houston, Edward A. and William Dubois, as  
citizens of the Creek Nation? A Yes, sir.  
Q How old is Rachel V.? A Seventeen.  
Q Does she live with you? A Yes, sir.  
Q How old is Houston? A Eleven.  
Q How old is Edward A.? A Eight.  
Q How old is William? A Six.  
Q These children all live with you do they? A Yes, sir.  
Q Where do you make your home? A My home is in the Creek Nation.  
Q How long have you lived in the Creek Nation? A I can't tell you  
exactly how long.  
Q About how long? A I been here about eight or ten years.  
Q Where did you live prior to moving to the Creek Nation? A Ala-  
bama.  
Q Was you born in Alabama? A Yes, sir.  
Q You claim to be a citizen by blood of the Creek Nation? A Yes,  
sir.  
Q What is the name of your father? A Samuel Dubois.  
Q Is he living or dead? A Dead.  
Q Where did he die? A Alabama.  
Q Was he a citizen of the Creek Nation? A I guess he was if he  
had been here.  
Q Was he considered a Creek Indian in Alabama? A Yes, sir.  
Q Is your mother living? A No, sir. She died in Alabama.  
Q Was she a Creek Indian? A No, sir.  
Q Was she a citizen of the United States? A Yes, sir.  
Q Are there any other persons claiming to be citizens of the Creek Nation come  
through your father? A Yes, sir.  
Q Did you ever receive any money for yourself or your minor children  
from the Creek Nation? A No, sir.  
Q Did you ever make application either to the Tribal Authorities or  
to the Commission for enrollment as a citizen of the Creek Nation?  
A Yes, sir.  
Q What was that? A The first application I guess I made was in  
October, 1901. I want to explain.

The records of the Commission examined and under the act  
of June 10, 1900, particularly the one to the Commission to the  
Five Civilized Tribes by C. B. Dubois, Simon Dubois, Jennie B.  
Dubois, Rachel V. Dubois, Houston Dubois and  
Edward A. Dubois, all of which were referred to the Commission,  
and the records of the Creek Nation, the record in same Commission  
case No. 10, 1901, it was found that the decision was rendered.

Joseph S. Dubois et al.,---2.

Q Have you ever been recognized by the Creek Tribal Authorities as a citizen of the Creek Nation? A Yes, sir.  
Q In what way? A By blood.  
Q Were you ever admitted by an act of the Creek Council? A Yes, sir.  
Q When was that? A That was, I think, in October, '96. A man is liable to be mistaken.  
Q Where was that at? A Okmulgee.  
Q The Capital of the Creek Nation? A Yes, sir.  
Q What town in the Creek Nation do you claim to belong to? A Thlopthlecco.

The 1890 Authenticated and the 1895 Pay Rolls of the Creek Nation, Thlopthlecco town, examined and none of the names of the applicants herein are found thereon.

By Mr. Givens:

Q Were you present at the Council at its session in 1896, when you claim you and the members of your family, for whom you now make application, were admitted? A I wasn't in person.  
Q Were you represented there by an attorney? A I don't know as you would call it an attorney but by a member of the house.  
Q Who represented you before the Council? A Joe Robinson.  
Q Is it your understanding that you were admitted by that Council as a citizen by blood? A Yes, sir.  
Q And likewise the other members of your family were also admitted to citizenship? A Yes, sir.  
Q Did you ever receive from the Council any certificate showing your admission? A No, sir.  
Q Did Mr. Robinson, acting for you, ever furnish you with any certificate? A No, sir. Only told me I was admitted.  
Q Your own information on that subject is from what Mr. Robinson told you? A Yes, sir.  
Q Have you continuously resided in the Creek Nation from the time you first came here up to the present time? A Never been out.  
Q The members of your family, for whom you now make application, have they resided here also? A All but the ones that was married and taken away.

By Commission:

Q That was Ellen L? A Yes, sir.  
Q What is her name? A Couch.

By Mr. Givens:

Q Where is your daughter, Mrs. Couch? A She is near a place in Wyoming called Beggs.  
Q Do you know whether or not your name appears upon any roll of the Creek Nation as a member of Thlopthlecco town? A Yes, sir.  
Q Is your wife living? A Yes, sir.  
Q Is your wife a citizen of the Creek Nation? A No, sir, she aint a Creek Indian by blood.  
Q She does not make any claim to be a Creek Indian? A No, sir.  
Q Are all of the children, for whom you make application, the children born as the result of the union with your present wife? A Yes, sir.

This case is continued for a reasonable length of time in order that the applicant may introduce further testimony.

-----;0;-----

Witness my hand and seal this 27th day of September, 1954  
at New York, New York, the date of signing.



*[Signature]*

Subscribed and sworn to before me this 27th day of September, 1954

*[Signature]*  
Notary Public



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 30, 1904.

In the matter of the application for the enrollment of Ellen L. Couch as a citizen by blood of the Creek Nation.

(Severly & Givens, Attys. for applicant)

APPEARANCES: M

(M. L. Mett, Atty. for Creek Nation.)

JACOB S. DUBOIS, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Jacob S. Dubois.  
Q Do you make application for the enrollment of your daughter, Ellen L. Couch, as a citizen by blood of the Creek Nation? A Yes, sir. ~~XXXXXX~~  
Q Where does your daughter now reside? A Near Reggs in Wyoming.  
Q How old is she? A Twenty-one.  
Q Has she any children for whom you wish to make application? A No, sir. They are too young.  
Q Ellen L. Couch is your daughter by the mother of your minor children, heretofore referred to in your own application? A Yes, sir.  
Q If Ellen L. Couch has any rights in the Creek Nation she gets those rights through you does she? A Yes, sir, through me.  
Q She does not claim any rights as a Creek citizen through her mother? A No, sir.  
Q Did Ellen L. Couch ever draw any money from the Creek Nation? A No, sir.  
Q Was she ever been recognized as a citizen of the Creek Nation by the Tribal Authorities? A Yes, sir.  
Q When and how? A It was in '96. October Term, when we were admitted.  
Q At the same time that you claim you was recognized? A Yes, sir.  
Q What town in the Creek Nation does Ellen belong to? A Thlopthlecco.

The 1890 Authenticated Creek Roll, Thlopthlecco Town, examined and the name of Ellen L. Dubois, now Couch, not found thereon.

The 1896 Pay Roll of the Creek Nation, Thlopthlecco Town, examined and the name of Ellen L. Dubois, now Couch, is not found thereon.

It further appears from an examination of the records of the Commission that application was made for Ellen Lee Dubois, as a citizen by blood of the Creek Nation, to the Commission, under the act of June 10, 1894, and that her application was denied along with that of her father's and other members of her family. Dawes Commission Case No. 15, Booklet C. Page 102.

That no appeal was taken from the decision then rendered.

By Mr. Givens:

- Q Did your daughter, Ellen Lee, reside with you continuously from the time you came to the Indian Territory until the time of her marriage? A Yes, sir.  
Q When did she marry? A In 1900.  
Q When did she go to Wyoming? A About five months ago.  
Q Did she live in the Creek Nation prior to that time? A Yes, sir.  
Q Is she now permanently located in Wyoming or but temporarily? A Temporary. Her husband has no health.  
Q Has she ever abandoned the Creek Nation as her home? A No, sir.  
Q Never expressed any intention of abandoning it? A No, sir.

Ellen L. Couch--2.

Q She is your daughter by your present wife and sister of your other children for whom you have made application? A Yes, sir.

Q Do you know whether her name appears upon any roll of the Creek Nation? A No, sir.

Q Do you know whether or not your daughter's name appears upon any roll that has been prepared by the Creek Nation? A Yes, sir.

Q Is that the '96 roll? A Yes, sir.

Q As a member of what town? A Thlephlessee.

It is ordered that this case be consolidated with the case of Jacob S. Dubois et al.

-----:O:-----

I, Drennan C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

*Drennan C. Skaggs*

Subscribed and sworn to before me this 23 day of September, 1904.

*Wm. J. Martineau*  
*Notary Public.*



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T., August 30, 1904.

In the matter of the application for the enrollment of Simon F. Dubois as a citizen by blood of the Creek Nation.

(Zeverly & Givens Attys. for applicant,  
APPEARANCES:  
( M. L. Mott Atty. for Creek Nation.

SIMON F. DUBOIS, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Simon F. Dubois.  
Q How old are you? A Twenty-four.  
Q What is your post office address? A Wagoner.  
Q Do you make application as a citizen by blood of the Creek Nation?  
A Yes, sir.  
Q What is the name of your father? A Jacob S. Dubois.  
Q He is the man who has just heretofore made application for himself and his minor children? A Yes, sir.  
Q You are a full brother to those children mentioned in his application are you? A yes, sir.  
Q Same father and mother? A yes, sir.  
Q Through whom do you claim your right? A My father.  
Q Is your mother a citizen of the Creek Nation? A No, sir.  
Q You claim no rights through your mother? A No, sir.  
Q Did you ever draw any money from the Creek nation? A No, sir.  
Q Do you whether application was ever made to the Creek Authorities or this Commission for your enrollment before this? A Only by what others told me.

The 1890 Authenticated Tribal Roll, Creek nation, Thlopthlocco Town, examined and the name of the applicant herein not found thereon.

The 1895 Pay roll of the Creek nation, Thlopthlocco Town, examined and the name of the applicant herein not found thereon.

The record of the proceedings of the Commission, under the act of June 10, 1896 (29 Stat., 321), examined and it appears therefrom that application was made for Simon F. Dubois for citizenship in the Creek nation, to this Commission, under the provisions of said act, and that no appeal was taken from the decision then rendered.

The records of the Gilbert Commission, in the possession of the Commission, examined and it does not appear therefrom that any application was made to said Commission, for citizenship in the Creek nation, for the applicant herein.

By Mr. Givens:

- Q Do you make application for enrollment as a Creek Indian by blood and a member of Thlopthlocco Town? A yes, sir.  
Q What is the name of your mother? A Morning L. Dubois.  
Q How long have you resided in Indian Territory? A I don't know.  
Q You were brought here by your father? A Yes, sir.  
Q Have you resided here continuously since you came to the Indian Territory? A yes, sir.  
Q This is your home? A Yes, sir.

JACOB S. DUBOIS, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Jacob S. Dubois.

Simon F. Dubois---2.

Q How old are you? A About fifty.

Q What is your post office? A Wagoner.

By Mr. Givens:

Q What is the name of your wife? A Morning L. Dubois.

Q Where were you married? A In Alabama.

Q Do you remember the year? A Yes, sir.

Q What year was it? A Seventy-nine.

Q Is your wife the same that you now have? A Yes, sir.

Q You have never been divorced from her? A No, sir.

Q All the children for whom you have made application were born to your wife as the result of your union? A Yes, sir.

Q You were married in what county? A Covington County.

Q Did you have a license? A Yes, sir.

Q Married according to law? A Yes, sir, married according to law.

Q And ever since that time and at the present time you are living with that wife? A Yes, sir.

By Commission:

This case is consolidated with the case of Jacob S. Dubois and these cases are continued for the purpose of allowing the applicants to introduce further evidence.

-----O:-----

I, Drennan C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

*Drennan C. Skaggs*

Subscribed and sworn to before me this 23<sup>rd</sup> day of September, 1904.

*W. H. Martin, Jr.*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 30, 1904.

In the matter of the application for the enrollment of Fannie L. Dubois as a citizen by blood of the Creek Nation.

( Zeverly & Givens Attys. for applicant,  
APPEARANCES:  
( M. L. Mott Atty. for Creek Nation.

FANNIE L. DUBOIS, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Fannie L. Dubois.  
Q How old are you? A Nineteen.  
Q What is your post office address? A Wagoner.  
Q Do you make application for enrollment as a citizen by blood of the Creek Nation? A Yes, sir.  
Q What is the name of your father? A Jacob S. Dubois.  
Q Is he living? A Yes, sir.  
Q He is the gentleman who just made application here a few moments ago? A Yes, sir.  
Q Is it through him you claim your Indian Blood? A Yes, sir.  
Q What is the name of your mother? A Morning L. Dubois.  
Q Is she a citizen of the Creek Nation? A No, sir.  
Q She claims no rights in the Creek Nation? A No, sir.  
Q Any rights that you may have in the Creek Nation you claim through your father alone? A Yes, sir, father alone.  
Q The persons mentioned in the application of your father as his minor children are full brothers and sisters to you are they? A Yes, sir, every one.  
Q Did you ever draw any money from the Creek Nation that you know of? A No, sir.  
Q Did you ever make application to any Creek Tribal Authority or the Commission for enrollment? A I never did.  
Q Did any one make application for you? A Yes, sir.  
Q Your father did, did he? A Yes, sir.  
Q Of your own knowledge you know nothing about the matter of the Creek Council admitting your father and his family to citizenship do you? A No, sir.

The 1890 Authenticated Creek Tribal Roll, Thlopthlecco Town, examined and the name of the applicant herein not found thereon.

The 1895 Pay Roll Creek Nation, Thlopthlecco Town, examined and the name of the applicant herein not found thereon.

The record of the proceedings of the Commission, under the act of June 10, 1896 (29 Stat., 321), examined and it appears therefrom that application was made, for Fannie L. Dubois, as a citizen by blood of the Creek Nation, to this Commission, under the provisions of said act; that her application was denied and that no appeal was taken from the decision then rendered. James Commission Case, No. 15. Docket C. Page 102.

The records of the Colbert Commission, in the possession of the Commission, examined and it appears therefrom that no application, for citizenship in the Creek Nation, was made to said Commission by or for any of the applicants herein.

Fannie L. Dubois--2.

By Mr. Givens:

Q Do you make application as a member of the Creek Nation by blood and a member of Thlephthloose Town? A Yes, sir.

It is ordered that this case be consolidated with that of Jacob S. Dubois et al.

-----;0;-----

I, Drennan C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 23 day of September, 1904.

M. S. Martin Jr.  
Notary Public.

En. 668.

I.D.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:O:-

In the matter of the application for the enrollment of Jacob S., Rachel V., Houston, Lenard A., William, Simon F. and Fannie L. Dubois, and Ellen Couch, as citizens by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on August 30, 1904, Jacob S. Dubois, for himself and for his four minor children, Rachel V. Dubois, Houston Dubois, Lenard A. Dubois and William Dubois and for his daughter Ellen Couch, Simon F. Dubois, for himself, and Fannie L. Dubois, for herself, appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as citizens by blood of the Creek Nation, and that all of said applications were consolidated with the application of Jacob S. Dubois herein.

At the conclusion of the testimony taken on said date this case was continued for a reasonable length of time in order that the applicants might introduce further evidence. No further evidence has been offered.

The evidence shows that none of the applicants are full blood Creek Indians, that said Rachel V. Dubois, Houston Dubois, Lenard A. Dubois and William Dubois are the minor children of said Jacob S. Dubois, and that no claim is made that the mother of said minor children is entitled to enrollment as a citizen of the Creek Nation.

The evidence further shows that none of the applicants herein have ever been enrolled as citizens of the Creek Nation, nor have they, or any of them, ever been admitted to citizenship in said Nation by the Creek Tribal Authorities.

It further appears from the evidence that application was made to the Commission under the provisions of the act of Congress June 10, 1896 (29 Stats., 321), for the admission to citizenship in the Creek Nation of said Jacob S. Dubois, Simon Dubois, Fannie L. Dubois, Rachel V. Dubois, Houston Dubois, Lenard A. Dubois and Ellen Couch, the last under the name of Ellen Lee Dubois, that said application was denied, and that no appeal was taken from the decision of the Commission.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Jacob S. Dubois, Rachel V. Dubois, Houston Dubois, Lenard A. Dubois, Simon F. Dubois,



COMMISSION TO THE FIVE CIVILIZED TRIBES

**CHAIRMAN**

**CONFIDENTIAL**

Muskogee, Indian Territory,

1905

5816  
En. 685

Muskogee, Indian Territory, November 30, 1904.

Zevly & Givens,

Attorneys for Jacob S. Dubois, et al.,

Muskogee, Indian Territory.

Gentlemen:

August 30, 1904, the matter of the application for the enrollment of Jacob S. Dubois, et al., was continued in order that the applicants might be allowed to introduce additional evidence.

You appear as their attorneys of record.

You are hereby notified that thirty days from date will be allowed within which to introduce additional evidence, and if none be offered within that time, the case will be adjudicated upon the record before the Commission.

Respectfully,

Commissioner in Charge.



COMMISSIONER  
OF THE  
GENERAL  
& A. C. C. C. C. C.  
ON A. C. C. C. C.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

88/3

DATE OF ISSUE TO THE COMMISSIONER.
No. 648

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 30, 1904.

Jacob S. Dubois,

Wagoner, Indian Territory.

Dear Sir:

August 30, 1904, the matter of the application for the enrollment of Jacob S. Dubois, et al., was continued in order that the applicants might be allowed to introduce additional evidence.

You are hereby notified that thirty days from date will be allowed within which to introduce additional evidence, and if none be offered within that time, the case will be adjudicated upon the record before the Commission.

Respectfully,



Commissioner in Charge.

Register.

COMMISSIONERS:  
TAMM BEERY,  
THOMAS R. NEEDLES,  
C. E. BRICKERIDGE,  
WM. O. HEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Handwritten: H-28

COPIES OF THIS LETTER TO THE FOLLOWING:
Gr En 668

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 14, 1906.

Jacob S. Dubois,

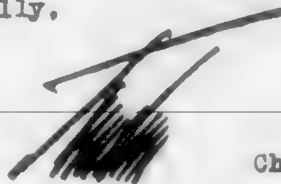
Wagoner, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Jacob S., Rachel V., Houston, Lenard A., William, Simon F. and Fannie L. Dubois and Ellen Couch, as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Chairman.

Register.  
JYM-14-2.

Muskogee, Indian Territory, June 14, 1908.

Seely & Givens,

Attorneys for Jacob S. Dubois, et al.,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Jacob S. Dubois, et al. as citizens by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYM-14-8.

Or En 668

Muskogee, Indian Territory, June 14, 1905.

M. L. Mott,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Jacob S. Dubois, et al. as citizens by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYM-14-4.

Or En 668

Muskogee, Indian Territory, June 14, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Jacob S. Dubois, et al. as citizens by blood of the Creek Nation, including the decision of the Commission, dated June 7, 1905.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

JYN-14-5.

V #668  
I.T.D. 7756-1905.

FHE. JP.

DEPARTMENT OF THE INTERIOR,

Washington, July 14, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

June 14, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Jacob S. Dubois et al., as citizens by blood of the Creek Nation, including its decision of June 7, 1905, rejecting the applicants Jacob S., Rachel V., Houston, Lenard A., Simon F., William and Fannie L. Dubois and Ellen Couch.

Reporting June 24, 1905, the Indian Office recommends that the decision of the Commission be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and said decision is hereby affirmed.

Respectfully,

(Signed) F.L. Campbell,

1 inclosure.

Acting Secretary.

Refer in reply to the following:  
Land: 46357-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, June 24, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 14, 1905, transmitting the record of the application for enrollment as citizens by blood of the Creek Nation by Jacob S. Dubois for himself and his four minor children, Rachel V., Houston, Leonard A. and William Dubois and for his daughter, Ellen Couch; by Simon F. Dubois for himself; and by Fannie L. Dubois for herself.

June 7, 1905, the Commission ~~decide~~ decided adversely to the applicants.

The record shows that none of the applicants is a full blood Creek Indian; that Jacob S. Dubois is the father of all of the other applicants and no claim is made that their mother is entitled to enrollment as a citizen of the Creek Nation; that none of the applicants has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

*Further*  
It appears that on June 10, 1896, all of the applicants herein except William Dubois, born since, made application to the Commission under the act of June 19, 1896, for admission to citizenship



-2-

in the Creek Nation; that the same was denied by the Commission, and that no appeal was taken ~~in~~ from such decision.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

M.M.M.W.

✓  
Ex. 662.

Muskogee, Indian Territory, July 19, 1905.

Jacob S. Dubois,  
Wagoner, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of July 14, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated June 7, 1905, denying the application for the enrollment of yourself, Rachel V., Houston, Leonard A., William, Simon F. and Fannie L. Dubois and Eileen Couch, as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

Ex. 658.

Muskogee, Indian Territory, July 19, 1905.

Zevely & Givens,

Attorneys for Jacob S. Dubois et al.,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of July 14, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated June 7, 1905, denying the application for the enrollment of Jacob S. Dubois et al., as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

En. 668.

Muskogee, Indian Territory, July 19, 1905.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior under date of July 14, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated June 7, 1905, denying the application for the enrollment of Jacob S. Dubois et al., as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

CR EN 669

CR EN 669

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 22, 1904.

In the matter of the application for the enrollment of Willie Crane as a Creek Freedman.

Major Crane being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Major Crane.  
Q How old are you? A 27.  
A What is your post office address? A Boynton.  
Q Do you make application for the enrollment of Willie Crane as a Creek Freedman? A Yes sir.  
Q Are you his father? A Yes sir.  
Q What is the name of his mother? A Flora Crane.  
Q You are not a citizen of the Creek Nation yourself? A No sir.

The records of the Commission, examined and it appears that Flora Crane is listed for enrollment as a Creek Freedman on Card Field No. 1320, and that her name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 28, 1902, No. 4526.

- Q How old is Willie Crane? A He is three years old going on four.  
Q When was he born? A 1901.  
Q What month and day of the month? A He was born May 7th.  
Q Have you got a child named Elvira? A Yes sir.  
Q Older than Willie? A Yes sir.  
Q How much older? A I don't know just how much.  
Q Well, about how old was the child Elvira when Willie was born? A Well, she was about a year or 6 or 7 months.  
Q When was that child born- Elvira? A I did-remember now  
Q Why is it you remember when Willie was born better than when Elvira was born? A Because the neighbors was telling me I couldn't enroll Willie; so I remembered that when he was born.  
Q What neighbors? A Some people out there.  
Q What is their name? A One was Jim Morgan.  
Q Well, what is the name of another? A John May.  
Q What is John May's post office? A Boynton.  
Q What is Jim Morgan's? A Boynton.  
Q Are they citizens of the Creek Nation? A No sir.  
Q Neither one of them? A No sir.  
Q Are their wives citizens? A No; they just renters; state men.  
Q How come they to know anything about this Creek business? A They took papers; I don't.  
Q Can you read and write? A No.  
Q Did you make any record of the date of the birth of this child? A no.  
Q Did anybody write it down? A A fellow named Ed Sango wrote it down.  
Q Where is he? A I don't know.  
Q Is this child living? A Yes sir.  
Q Who filed on the land for your wife; did you do the filing? A No sir, she done it herself.

Q Was you with her when she filed? A Yes sir.  
Q Was that child living then? A Yes sir.  
Q Why didn't you file for the child if it was living then? A I heard th  
that they couldn't file for children.  
Q About how old was that child when your wife filed? A For them others?  
Q When she filed for herself? About how old was that child, Willie,  
then? A I don't know just how old it was.  
Q Did she bring the child here? A Yes, she had the child here with  
her.  
Q You think this child, Willie, was living when your wife came and filed  
on her own land? A Yes sir.  
Q And that she had the child with her? A Said it was living?  
Q I am asking you if the child Willie was born when your wife filed on  
her own land? A I don't know, whether he was born or not then, but he  
was born in 1901; I don't know whether s e had him with her or not when  
she came to file.  
Q Well, you stated a while ago--- A I know she had the oldest one  
with her, Elvira.  
Q Well, did she have the other one with her? A I disremember whether  
she did or not.  
Q She filed for Elvira after she filed for herself, didn't she? A I dis-  
remember whether she filed for Elvira after that or not; I never kept  
no account how it was done but I know I brought her here to file.

Flora Crane being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Flora Crane.  
Q How old are you? A I can't tell you exactly; I's about 24 I guess.  
Q What is your post office address? A Boynton.  
Q Are you the mother of Willie Crane? A Yes sir.  
Q Have you another child named Elvira? A Yes sir.  
Q What is the difference in their ages? A I can't tell you.  
Q How old was Elvira when Willie was born? A I can't tell; its been  
so long.  
Q When was Elvira born? A In 1899 I believe.  
Q What month and what day? A August; I can't tell the day.  
Q When was Willie born? A The 7th of May, 1900.  
Q Why is you remember better the date of the birth of Willie than that  
of Elvira? A Cause Willie born since Elvira.  
Q Well, don't you remember the date of the birth of one child as well  
as that of another? A No sir.  
Q How old is Willie? A Three years old past; three years old.  
Q Is he more than three or less? A He is going on four.  
Q When will he be four? A I can't tell you.  
Q Can you read and write? A No sir.  
Q Did anybody put down in a book the birth of this child? A No sir.  
Q Nobody set it down? A No sir.  
Q Was Willie living when you came and filed on your own land? You re-  
member of coming in and filing, don't you? A I don't know whether he  
was living then or not.  
Q How old is Elvira? A Elvira is four years old; 8 or 4.  
Q Now, which is it? A She's going on 5 years old; she will be 5 years  
sometime this winter; I disremember what day.



Q How much difference did you say there was in their ages? A I said I didn't know.  
 Q Well, about? A --  
 Q Whether one year or five years or two years or three years? A No sir, I can't tell you exactly.  
 Q All that you can remember is that Willie was born on the 7th day of May, 1901? A That's all.  
 Q You cannot tell when Elvira was born? A I told you in '99.  
 Q But you don't know the day? A The 9th of August.  
 Q And you don't remember whether Willie was born when you came and filed on your land? A I can't remember that.  
 Q Have you any married sisters? A Yes, one.  
 Q What is her name? A Para Lee Vaughn; it was Sango before she married.  
 Q How long has her name been Vaughn? A About 2 years I guess.  
 Q Have you any brothers living? A Yes sir.  
 Q What is the name of one? A Rentie Sango.  
 Q Has Para Lee any children? A No sir.  
 Q Has Rentie? A No sir.  
 Q None of them but you? A No sir.  
 Q Is your mother living? A No sir, she's dead.

The records of the Commission show that an allotment of land was made to Flora Crane May 8, 1899.

Phyllis Robinson being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Phyllis Robinson.  
 Q How old are you? A Thirty four.  
 Q ~~What~~ What is your post office address? A Twine.  
 Q Do you know Flora Crane? A Yes sir.  
 Q Do you know a child of Flora Crane's name Elvira? A Yes sir.  
 Q Do you know when that child was born? A Not exactly.  
 Q Well, do you know about the time? A No sir, I don't recollect.  
 Q How far do you live from Flora Crane? A Now?  
 Q Yes. A I guess about 12 or 13 miles.  
 Q Do you know a child of hers named Willie? A Yes.  
 Q How far did you live from them when that child was born? A Not very far; it wasn't half a mile I guess.  
 Q Were you present when the child was born? A Yes sir.  
 Q About how much older is Elvira than Willie? A I don't know even if she is quite two years older; but to tell the exact time I can't do, for I didn't pay that much attention to Elvira.  
 Q Do you know when Willie was born? A The 7th of May, 1901.  
 Q Did you write that down in a book anywhere? A No sir.  
 Q Have you a child named Ethel? A Yes sir.  
 Q When was that child born? A May 8th.  
 Q What year? A 1897 I think.  
 Q Have you a child named Jack? A Yes sir.  
 Q When was that child born? A November 16, 1895.  
 Q Were you present when Willie was born? A Yes sir.  
 Q Have you been present when other children were born? A No sir.  
 Q That's the only one you ever tended on? A Yes sir.  
 Q What fixes in your mind the exact date that that child was born?  
 A Because it was the first person I ever tended in such condition and I kept that in remembrance.  
 Q You didn't write it down anywhere in a book? A No sir.  
 Q Have you a son named Richard? A Yes sir.  
 Q What is your oldest child's name? A Louisa.  
 Q When was she born? A In '88.

Q What day of the month? A The 15th of March.  
Q You say you never attended on any person except Flora Crane when a child was born? A No sir.  
Q Do you know why it is they haven't come here before if this child is entitled to enrollment? A I don't know; I can't say.  
Q Have you talked with them about it? A They asked me to come.  
Q When was that? A Last week.  
Q State what conversation you had at that time. A I can't tell you definitely; Mr. Crane just met me on the road and asked me to come and tell.  
Q Did he ask you if you knew the day? A Yes sir, he asked me.  
Q Did he tell you the day of its birth? A No sir, I knew the day.  
Q Did he tell you the child was born on the 7th of May, 1901? A No sir.  
Q Did he ask you if you knew the date? A I told him yes, I did.  
Q Did you tell him you knew it was born on the 7th of May, 1901? A No sir, I told him I knew.  
Q Well, did you tell him the date? A No sir; I just told him that I remembered the date.

Major Crane recalled:

Q Do you Phyllis Robinson? A Yes sir.  
Q You told her you wanted her as a witness in this case? A I told her; I asked her would she come and tell what she knew about it; I had her with my wife.  
Q When did you ask her about that? A Last Sunday.  
Q State what conversation took place between you two. A I just asked her would she come down and witness for this boy and she said she would.  
Q Did you ask her if she remembered the date this child was born? A No sir.  
Q Did she tell you? A No sir.  
Q Did she tell you that she knew the date of its birth? A No sir.  
Q How much older do you think Elvira is than Willie? A I don't know just exactly how much difference is between the two children.  
Q Well, about? A Well, you see I can't tell you.  
Q When did you say Willie was born? A 1901.  
Q What month and day of the month? A He was born May 7th.  
Q When was Elvira born? A I forget what year Elvira was born but she was born in August.  
Q What day of the month? A The 9th.  
Q Why is it you remember better the exact date of Willie's birth than you do Elvira's? A Because he is the youngest is the reason I remember his better.

Henry G. Hains being sworn on his oath states that as a stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 24 day of September, 1904.

H. C. Martin  
Notary Public.

D. H.

No. 669.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Willie Crane as a Creek Freedman.

-: D E C I S I O N :-

The record in this case shows that on August 22, 1904, Major Crane appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his minor child, Willie Crane, as a Creek Freedman.

The evidence shows that said Willie Crane is the child of Flora Crane whose name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 28, 1902, Roll No. 4256.


It further appears from the evidence that said Willie Crane was born May 7, 1901 and was living at the date of the application herein.

It is, therefore, the opinion of the Commission that said Willie Crane should be enrolled as a Creek Freedman in accordance with the provisions of the Act of Congress, June 30, 1902 (32 Stat. 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory.

APR 20 1905

JHJ  
Creek No. 569

Muskogee, Indian Territory, December 13, 1904.

M. L. Mott,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is enclosed a copy of the testimony in the matter of the application for the enrollment of Willie Crane as a Creek freedman.

The Creek Nation will be allowed a reasonable time within which to submit evidence in the case.

Respectfully,

Chairman.

HGH-11-11

Creek En 462

Muskogee, Indian Territory, January 17, 1906

Major Crane,

Boynton, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of your minor child, Willie Crane, as a Creek Freedman, you are advised that the Commission desires further evidence relative to his birth.

There is herewith enclosed blank form of birth affidavit, and you are requested to have same filled out and properly executed before an officer authorized to administer oaths and return it to the Commission in the enclosed envelope.

Respectfully,

Chairman.

1 B A

Cr.Rn.669.

Muskogee, Indian Territory, April 21, 1906.

M. L. Mott,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Millie Crane as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if, at the expiration of that time, no such protest has been made, said Millie Crane will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Chairman.

IM-4-21-67.

Cr En 669

Muskogee, Indian Territory, August 9, 1905.

Flora Crane,

Care of Major Crane,

Boynton, Indian Territory.

Dear Madam:

You are hereby advised that the name of your minor child, Willie Crane, is contained in the partial list of freedmen approved by the Secretary of the Interior July 31, 1905, and that application for a selection of land in the Creek Nation for said child may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

An entire allotment of 160 acres for said child must be selected at the time of the original application.

Respectfully,

Acting Commissioner.



CR EN 670

CR EN 670

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 22, 1904.

In the matter of the application for the enrollment of Emma Johnson, et al., as citizens by blood of the Creek Nation.

Emma Johnson being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Emma Johnson.  
Q How old are you? A Twenty four.  
Q What is your post office address? A Manchester, Texas.  
Q Where do you live? A In Red River County.  
Q In Texas? A Yes sir.  
Q Have you lived in Texas all your life? A No sir, I lived in the Choctaw Nation two years.  
Q Where were you born? A In Texas.  
Q Do you make application to be enrolled as a Creek by blood? A Yes sir.  
Q How much blood do you claim? A I don't know sir; my father and Martha Parker were sisters and brothers.  
Q What degree of blood did your father have? A I don't know; he died when I was small.  
Q What degree did your people claim he had? A Full blood Creek.  
Q What is his name? A Billy Guess; G-u-e-s-s.  
Q Did he ever live in the Creek Nation? A No sir.  
Q Where did he live when he died? A In Texas.  
Q Do you know where he lived before that? A In Alabama.  
Q And he never lived in the Creek Nation? A No sir.  
Q What is the name of your mother? A Alice Guess.  
Q Has she any Creek blood? A No sir.  
Q State woman, is she? A Yes sir.  
Q Did you ever draw any money from the Creek Nation? A No sir.  
Q You have never been enrolled by the Creeks? A No, sir.  
Q You was never admitted to citizenship by the Creeks? A No sir.  
Q This is the first time you have ever gone anywhere about your citizenship matters? A Yes sir.  
Q This is the only time you have ever gone anywhere about it? A Yes sir.  
Q Have you some children you want to apply for? A Yes sir.  
Q What is the name of the oldest? A Lemar Johnson.  
Q How old is he? A 7 years old.  
Q Next? A Billy Johnson, 8.  
Q Next? A Merrill Johnson, 3.  
Q What is the name of the father of these children? A Jimmie Johnson.  
Q Do you claim he has any rights in the Creek Nation? A No sir.  
Q State man is he? A Yes sir.

The tribal rolls in the possession of the Commission of the Creek nation examined and the principal applicant not identified on any of said rolls, neither does it appear that she has ever been admitted to citizenship in the Creek Nation by the Creek National Council, the Colbert Commission or the Commission to the Five Civilized Tribes.

*United States Court in Indian Territory*

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case

-2-

and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry D. Hain*

Subscribed and sworn to before me this 24 day of September, 1904.

*H. Martin Jr.*  
Notary Public.

Ex. 670.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

J.D.B.

--O:--

In the matter of the application for the enrollment of Emma, Lemar, Billy and Merrill Johnson as citizens by blood of the Creek Nation.

--: D E C I S I O N :--

-----#-----

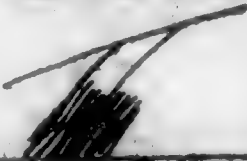
The record in this case shows that on August 22, 1904, Emma Johnson appeared before the Commission, at Muskogee, Indian Territory, and made application for the enrollment of herself and her three minor children, Lemar, Billy and Merrill Johnson, as citizens by blood of the Creek Nation.

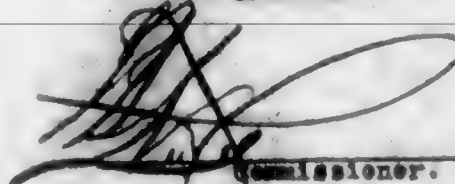
The evidence shows that none of the applicants are full-blood Creek Indians and that no claim is made that the father of said children is entitled to enrollment as a citizen of the Creek Nation.

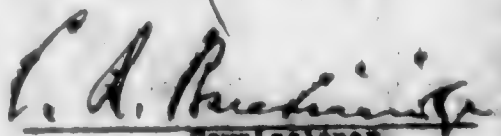
It does not appear from the evidence that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor does it appear that they, or any of them, have been admitted to citizenship in said nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Emma, Lemar, Billy and Merrill Johnson as citizens by blood of the Creek Nation and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

JUN 5 1905

COMMISSIONERS  
THOMAS H. HENRY,  
THOMAS S. HENRY,  
C. A. HENRY,  
W. C. HALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

NOTE IN ANSWER TO THE COMMISSIONER.  
Creek No 470

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Enakogee, Indian Territory, January 18, 1906.

Emma Johnson,  
Manchester, Texas.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, Lemar, Billy and Merril Johnson, as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Chairman.

Register.

JYM-18-82.

Creek No 670

Muskogee, Indian Territory, January 18, 1906.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Emma Johnson, et al., as citizens by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

James Bixby.

Chairman.

JYM-18-83.

*Very*  
COPY.

Creek No 670

Luskogee, Indian Territory, January 18, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Emma Johnson, et al., as citizens by blood of the Creek Nation, including the decision of the Commission, dated January 5, 1905.

Respectfully,

RESIGNED

*Tam. McCoy*

Chairman.

Through the  
Commissioner of Indian Affairs.

JYM-18-84.



I.T.D. 1016-1906.  
LRS.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, April 12, 1906.

WCY  
FVB

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

January 18, 1906, you transmitted the record in the matter of the application for the enrollment of Emma Johnson and her three minor children, Lemar, Billy and Merrill Johnson, as citizens by blood of the Creek Nation, including your decision of January 5, 1906, which was adverse to the applicants.

Reporting January 27, 1906, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,  
Acting Secretary.

1 inclosure.

Refer in reply to the following:  
land)6684-1908.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, January 27, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 18, 1908, transmitting the record ~~in~~ of the application, made August 22, 1904, for the enrollment as citizens by blood of the Creek Nation by Emma Johnson for herself and her three minor children, Lemar, Billy and Merrill Johnson.

January 8, 1908, the Commission decided adversely to the applicants.

The record shows that none of the applicants are full blood Creek Indians; that the father of the minors is not entitled to enrollment as a citizen of the Creek Nation, and that none of the applicants have ever been enrolled or admitted to ~~the~~ citizenship by any tribal authority of the Creek Nation or by any United States Tribunal.

In view of the record the approval of the Commission's decision ~~adverse~~ to the applicants is recommended.

Very respectfully,

C.F. Larrabee,  
Acting Commissioner.

M.M.M.  
W.

*24*  
SP. 25. 878.

Muskogee, Indian Territory, April 22, 1908.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of April 12, 1908, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application of Anna Johnson, for the enrollment of herself and her minor children, Lemar, Billy, and Merrill Johnson, as citizens by blood of the Creek Nation.

Respectfully,

Chairman.

Q. 11

Dr. H. 070.

Muskogee, Indian Territory, April 22, 1906.

Wm. C. HARRIS;

MANAGER, TIMES;

DEAR SIR:

You are hereby advised that the Secretary of the Interior, WASH. D.C. on April 21, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of yourself and minor children, James, Billy and Merrill Harris, as citizens by blood of the Creek Nation.

Respectfully,

Wm. C. HARRIS.

CR EN 671

CR EN 671

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 22, 1904.

In the matter of the application for the enrollment of Ches Chambers as a citizen by blood of the Creek Nation.

APPEARANCE: M.L.Mott, attorney for Creek Nation.

Ches Chambers being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Ches Chambers.  
Q How old are you? A 38.  
Q You- what is your post office address? A Paris, Texas.  
Q You live in Texas? A Yes sir.  
Q Do you make application for enrollment as a Creek by blood? A Yes sir.  
Q What degree of blood do you claim? A A half breed.  
Q What is the name of your father? A Ches Chambers; I am named for my father.  
Q Is he a citizen of the Creek Nation? A No sir.  
Q State man, is he? A Yes sir.  
Q Is he living or dead? A He is living.  
Q What is the name of your mother? A Susan Chambers.  
Q Is she living or dead? A Living.  
Q Where is she living? A Detroit, Red River County.  
Q What degree of blood do you claim your mother is? A She is Creek Indian, full sister to Martha Parker.  
Q How much Creek blood has she? A Full blood Creek.  
Q Where were you born? A In Red River County.  
Q Were you born in the State of Texas? A Yes sir.  
Q Did you ever live in the Creek Nation? A No sir.  
Q Did you ever draw any money from the Creek Nation? A No sir.  
Q Does your name appear upon any of the rolls of the Creek Nation?  
A No sir, not as I know of.  
Q Did you ever make application to any a thority for citizenship in the Creek Nation? A No sir, not before.  
Q This is the first time you were before anybody about your citizenship business, is it? A Yes sir.  
Q How do you claim the right to enrollment as a citizen of the Creek Nation; what way? A It seems there's some reason to come here and put in my claim before the 1st of September if I wanted to get anything in the Creek Nation.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 26 day of September, 1904.

*Notary Public*

Q. 25.

20. 671.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
CHAS CHAMBERS as a citizen by blood of the Creek Nation.

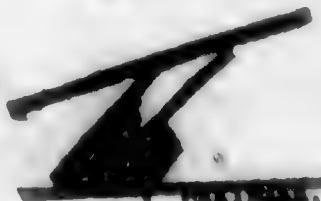
=1 SUPPLEMENTAL STATEMENT =

Records of the proceedings of the Gilbert Commission ex-  
amined and it does not appear that the applicant herein ever made  
application to said Commission for admission to citizenship in the  
Creek Nation.

Records of the proceedings of the Commission to the Five  
Civilized Tribes under authority of the Act of Congress of June 16,  
1906, examined and it does not appear that the applicant herein ever  
made application to said Commission for admission to citizenship in  
the Creek Nation.

The Tribal rolls of the Creek Nation in the possession of  
the Commission examined and the applicant herein is not identified  
on any of said rolls.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
SPECIAL AGENT

Waskago, Indian Territory  
October 16, 1906.



D. M.

No. 671.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Ohee Chambers as a citizen by blood of the Creek Nation.

- I N D E E D I O N -

The record in this case shows that on August 22, 1904, Ohee Chambers appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a citizen by blood of the Creek Nation. Further proceedings were had October 13, 1904.


The evidence shows that the applicant is not a full blood Creek Indian.

The evidence further shows that said Ohee Chambers has never been enrolled as a citizen of the Creek Nation, nor has he ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Ohee Chambers as a citizen by blood of the Creek Nation, and that his application for enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
CHAIRMAN.

  
\_\_\_\_\_  
COMMISSIONER.

  
\_\_\_\_\_  
COMMISSIONER.

Muskogee, Indian Territory.

24521  
Creek No. 672

Muskogee, Indian Territory, January 10, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Ohas Chambers for enrollment as a citizen by blood of the Creek Nation, including the decision of the Commission, dated January 9, 1906, denying said application.

Respectfully,

Chairman.

Through the Commissioner  
of Indian Affairs.

WCH-1-9-6

745A

Creek No. 671

Muskogee, Indian Territory, January 10, 1905.

Chas Chambers,  
Paris, Texas.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Respectfully

WCH-1-2-5

WGA

Creek BH: 872

Muskogee, Indian Territory, January 10, 1908

P. L. Holt,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission in the matter of the application of Osha Chumlers for enrollment as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

HQW-1-8-7

U.S. BONA-1906  
V.I. 1, 474-1906  
LMB

(Copy)

J. L.  
VIA

DEPARTMENT OF THE INTERIOR,

WASHINGTON, February 11, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

January 10, 1906, you transmitted the record in the matter of the application for the enrollment of John Chambers as a citizen by blood of the Creek Nation, including your decision of January 9, 1906, denying said application.

Reporters in the matter January 17, 1906, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS. HALL,  
Acting Secretary.

1 inclosure.

✓ #671  
Land  
3042-1905

(Copy)

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

WASHINGTON, January 17, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated January 10, 1905, transmitting the record of the application, made August 22, 1904, for enrollment as a citizen by blood of the Creek Nation by Chas Chambers.

January 9, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant is not a full blood Indian, and that he has never been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee,  
Acting Commissioner.

H.M.L.  
"

COMMISSIONER  
THOMAS A. HENRIKSON  
U. S. DEPARTMENT OF THE INTERIOR  
Wm. A. Hall,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

2524

COPIES TO BE MADE IN THE FOLLOWING
Gr En 671

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES. Muskogee, Indian Territory, February 24, 1905.

Chas Chambers,  
Paris, Texas.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 11, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 9, 1905, denying your application for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

James B. Bixby  
Chairman.



✓ *222*  
OF AN 671

Muskogee, Indian Territory, February 24, 1906.

Mr. J. Hott,  
Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of February 11, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 9, 1906, denying the application for the enrollment of John Chambers as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

CR EN 672

CR EN 672

Received of the Commissioner of  
the Public Civilian Files copies  
of the testimony in the case  
of George Williams, applicant  
for enrollment as a citizen of  
the Creek Nation

Sept 29 1904

D. H. Wood  
Atty. for applicant

The evidence seems  
not to be very reliable  
but it is unrefuted  
and tends to show  
that the child is en-  
titled to enrollment.

The death affidavit  
referred to on page 10,  
does not appear in  
the record.

JTB.

G. H. Wood

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I.T. AUGUST 19, 1904.

In the matter of the application for the enrollment of George Williams, deceased, as a Creek Freedman.

Appearances: M. L. Mett, attorney for Creek Nation,  
S.W. Isaacs, attorney for applicant.

Minnie Williams being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Minnie Williams.  
Q How old are you? A 24 years old.  
Q What is your post office address? A Wybark.  
Q Do you make application for the enrollment of George Williams as a Creek Freedman? A Yes sir.  
Q Are you his mother? A Yes sir.  
Q What is the name of his father? A John Williams.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q You are yourself? A Yes sir, myself.  
Q Under what name are you enrolled? A Minnie Williams.  
Q Is George Williams living or dead? A No sir, he is dead.  
Q How old was he when he died? A He born in--  
Q No--how old was he when he died? A I don't know exactly.  
Q To your best judgment? A I can tell you when he was born and died.  
Q Don't you know how old your own child was when he died? A My husband does; I don't; I have got the dates down too.  
Q You don't know how old he was when he died? A No sir.  
Q When was he born? A 1800.  
Q In 1800? A Yes, I think that's it.  
Q That would be 104 years ago. A I know when he was born but I don't remember no-- I have got the date down in the bible at home.  
Q Got the Bible here? A No sir, at home; when he born and died.  
Q Was that written with pen or pencil? A Ink and pen.  
Q Who wrote that in there? A My husband wrote it.  
Q Did you see him write it? A Yes sir.  
Q When did this child die? A In 1800.  
Q What month and what day? A I don't know what month but he died on Saturday at 7 o'clock.  
Q What time of the year was it he was born, cold weather or warm?  
A He was born in December.  
Q What month did he die in? A I think it was in the Spring; it was kind of warm when he died.  
Q Can't you form any idea about how old that child was when he died?  
A All I know is when he born and when he died; I could count from that.  
Q Was it a month old? A No sir, he was over two years old; he was walking when he died.

The records of the Commission show that Minnie Williams is listed for enrollment as a Creek Freedman on Creek Freedman card Field No. 1045 and that her name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 20, 1902, No. 5504.

Q The father of this child is a state man is he? A Yes sir.  
 Q Have you another child? A Yes sir, I have got one more child.  
 Q How old is that child? A Will be two years old the 25th day of this coming November.  
 Q Is that the only two children you have had? A Yes sir.  
 Q You didn't have another died but this one George? A No sir.  
 Q Why is it that you haven't made application for this child before now?  
 A The child that's dead.  
 Q Why is it you haven't made application before now? A My husband was not at home when I filed.  
 Q Was George living when you filed on your land-was he born then?  
 A Yes sir, he was born.  
 Q Was he dead then or living? A No sir, he was living when I filed but my husband had him at his mother's.

Examination by Mr. Isaacs:

Q You have no idea when this child was born? A Born in December.  
 Q Well, what year? A I disremember now what year it was he was born but my husband does know, I disremember, my husband knows because I have got his age down, it slipped my remembrance when he was.  
 Q You have no idea of what month he died in? A No sir, I have no idea of what month it was he died.

Examination by Mr. Mett:

Q You have a child living now? A Yes, I have a baby.  
 Q Was it living when this other one died? A No sir.  
 Q How long had this other one been dead when it was born? A I don't know sir, but this baby I got now was born the 21st day of last November.  
 Q How long had you been married when your first baby was born? A I and my husband have been married eight years.  
 Q Was that your first baby? A The one's dead was my first baby.  
 Q You have been married eight years? A Yes sir.  
 Q You don't know how long you had been married when it was born? A No sir.  
 Q Were you married when you were 18? A Yes sir.  
 Q You say it could walk when it died? A Yes sir, he was walking.  
 Q Could he talk? A Yes, could say some things very good.  
 Q It was over two years old? A Yes sir, I am sure.  
 Q Did you come and file for yourself? A Yes sir.  
 Q Why didn't you file this baby if the child was living? A Well, my husband wasn't at home.  
 Q It didn't take him to file it? A No sir, but they said I couldn't file for him unless my husband would be there and the witness.  
 Q Who told you that? A Uncle John Lewis he told me so.  
 Q The child was dead when you filed? A No sir, he wasn't.  
 Q Living when you filed? A Yes sir.  
 Q How old was he when you filed? A I don't know sir, he was about a year old I guess.  
 Q Did you bring him to the office with you? A No sir, my husband had him down at his mother's in Mississippi.  
 Q When you filed? A Yes sir.  
 Q You say he was a year old then? A Yes sir.

By Mr. Isaacs:

Q And you say that this child was about a year old when you filed on your land? A Yes sir, he was about a year old when I filed on my land.

Q As a matter of fact you don't know how old he was? A No sir; I don't know how old he was when I filed.

John Williams being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A John Williams.

Q How old are you? A 26.

Q What is your post office address? A Wybark.

Q Are you the husband of Minnie Williams? A Yes sir.

Q You are not a citizen of the Creek Nation yourself? A No sir.

Q When were you and Minnie Williams married? A In 1895.

Q Did you have a child named George? A Yes sir.

Q How long after you was married until that child was born? A The child was born in 1898.

Q What is the name of your father? A Charlie Williams.

Q What month and day of the month was he born in? A In December, 16th of December, Friday night.

Q How old was he when he died? A The child died in 90; 98, 99 1900- about two years old. Two years and some months.

Q What month and day of the month did he die? A The 13th of April, 1900 to my recollection.

Q What date did you say he was born? A The 16th day of December, 1898.

Q And died in April? A April, 1900.

Q Did you execute an affidavit about the death of this child? A Did I?

Q Yes. A Here before Nelson Durant I did.

Q No, it is one executed before John G. Lieber. Is that your signature there? Didn't you sign that? Isn't that your writing? A Before Leeger?

Q No, I am asking you if that is your writing? A Yes sir, that's my writing.

Q Now you said in this affidavit that I hold here in my hand here that this child died on the 16th day of December, 1900. A December?

Q That's what you said here. A Well, I got it wrong.

Q Do you know James Patterson? A I know 2 or 3 pattersons.

Q This is a man here that made an affidavit here with you; did he know when that child died? A Yes sir, one Jim did.

Q Well, he states that the child died on the 16th of December also. 1900.

A Well, may be so; but the record says the 13th day of April.

Q Did you make a record of the birth of that child? A No sir.

Q Did you write it down anywhere? A Yes sir, in the book at home.

Q What kind of a book? A Bible.

Q When did you make it? A Since the child was born; when I made this affidavit I couldn't get home at that time.

Q How long after the child was born until you gave it a name? A The next day, George Harrison named the boy.

Q When did you write that down in the book; the same day it was born?

A No, I couldn't; I made it the next day.

Q You made a record of the date of the death of the child also, didn't you? A Yes sir; afterwards.

Q When? A I made that when I came back; got clear of the court here.

Q Came back from where? A Well, of course I couldn't stay here at this time.

Q I don't know why. A I will show you, cause there was a writ here for me at the time the child died; I come back and then made affidavit for the death of the child.



Q You had been off somewhere? A Yes sir.  
Q And when you came back you made the entry in the Bible about the death of the child? A Yes sir.  
Q When was it that you came back? A In '99; Christmas of '99.--in 1900; yes, it was in 1900 that I came back.  
Q Did you have the child with you when you was away? A I did for a while; yes sir; I taken the child from here to Mississippi.  
Q How long did you keep the child in Mississippi? A Two months.  
Q Did you bring it back? A Yes sir, give it to its mother, and went back.  
Q The child died when you was away? A Yes sir.  
Q When you came back you made the entry in the Bible about its death? A Yes sir; Jim Patterson told me about his death.  
Q Is it written in the Bible with pen or pencil? A Pen and ink  
Q Did you do it? A No sir. Q Did you do it? A No, Turner they call him  
Q ~~Brother~~ ~~Any~~ ~~Other~~ ~~writing~~ ~~in~~ ~~that~~ Bible? A Death of her mother and one thing and another.  
Q You have another child? A Yes sir.  
Q Is the date of that child's birth in the Bible? A Yes sir.  
Q Is that child living? A Yes sir.  
Q Could that child walk when it died? A Yes sir.  
Q Could it talk? A Not as plain as we can. Could talk a little; say some things.

Examination by Mr. Isaacs:

Q You say you keep a family record? A Yes sir.  
Q Of your own personal knowledge do you know when this child died?  
A To my own knowledge; I wasn't there; I can only take what lots of the kin folks say.  
Q Who made the entry in your Bible? A Turner.  
Q Well, information as to the date of the death comes from Turner?  
A Yes sir; as far as I know; I wasn't there.  
Q When was it you returned from Mississippi and brought the child back ~~to the family in the fall of 1898, along in the Christmas of 1898~~ home with you? A In two months.  
Q When did you go to Mississippi? A In 1898; along in the Christmas of 1899 when I left here and went there.  
Q And you returned when? A About in January or February- one of those months when I come back from Mississippi with the child ~~1899~~  
Q 1900? A I brought the child back in Christmas sometime; it was in Winter; I don't know what day of the month I brought it back. ~~1899~~  
Q What year? A It was in '99 when I brought the child back; it was in Christmas near Christmas I took that child down and something after Christmas.  
Q When did you come from Mississippi the last time? A I have been there several times.  
Q I mean the last time after the death of this child? A After I brought the child back?  
Q Yes. A Along in July or August.  
Q What year? A 1900; the child was dead when I got back here.  
Q And the family record shows that the child died in 1900? A Yes sir.  
Q April, 1900? A Yes sir.



Q You made an affidavit there showing that the child was born December 15th? A No, died.

Q You made an affidavit showing that the child died December 15, 1900? A Yes sir; that was from Jim Patterson; the boy claimed he was there; but since I have been here and looked at it I see that the child died in December.

Examination by Mr. Mott:

Q What did you go to Mississippi for? A For shooting a boy over at Wybark. Just only fighting just like you or any other one would fight.

Q You denied first making this affidavit at all. A Well, the onliest man I knew, he was the onliest man I had to tend to it at that time, but this other man I don't know anything about at all; Nelson Durant was the man I got to tend to it.

Q Who was Turner? A I don't know; he is a preacher over there I suppose; he was there; tends to these little burials around.

Q Why did you ask him about the death rather than your wife? A I thought I had a right to know.

Q Why didn't you get it from your wife instead of him? A Cause I just asked him if he tended to it and he told me yes; he was the man put it down.

Q You and Turner made the affidavit at the same time, didn't you? A No sir; it was Jim Patterson.

Q You and Patterson made affidavit at the same time? A Patterson told me he was there; but when I come to find out he wasn't there; it was the preacher made the entry.

Q Patterson made the affidavit? A Yes sir.

Q And he didn't know? A No sir.

Q Why didn't you ask your wife the date of the death of the child?

A Cause I didn't have any business over there at that time.

Q You didn't have any business to keep you away? A Yes sir, that was for me to know; I couldn't go over there at the time; I seen him.

Q Where were you? A I was here; slipped in here and went on back about my business and I got Durant to go and tend to it for me.

Q You had come back home in 1900? A Yes sir come back and went again; left here again; never come back from Mississippi till August; I just got clear of the case here the other day.

Q Here in court the other day? A Yes sir, the last term of court; my lawyer Twine down here is the man who cleared me.

Q You saw your wife when you was back here didn't you? A Yes sir.

Q You saw her oftener than you saw Turner didn't you? A Yes sir, oftener than anybody, but that time I was here I only seen Patterson and told him.

Q And Patterson in fact wasn't there at all? A That's what they claim; of course Turner was there and put it down.

Q Did you know Patterson wasn't there when you made this affidavit? A No sir.

Q When did you find that out? A When I seen Turner.

Q Just a while ago you forgot all about the affidavit till he refreshed your memory. A I don't know Lieber.

Q When he asked you if you had made any affidavit you said yes and mentioned another man. A I didn't say I had forgot but the man's name he called I didn't know anything about. I told you I don't know him.

Q Where is that affidavit you made before Durant? A I got Durant to make out an affidavit for me.

Q Where is Durant? A I don't know; I can't tell; he was there at the time I come before Durant; this gentleman was there.

Q Is Durant a Notary Public? A I don't know.

Q Where is that affidavit? A I don't know what he done with it.  
Q When Mr. Beavers asked you if you had made an affidavit about the death of that child, you said you had made one and that was before Durant; is that so? A Yes sir.  
Q When Mr. Beaver asked you if you had made an affidavit about the death of this child you said yes before Durant? A Yes sir.  
Q Then Mr. Beaver handed you the affidavit and asked you did you sign that affidavit and you said no. A I said yes.  
Q Then he said to you, isn't that your signature? Then you finally said yes, that's my signature, but you said you didn't make any affidavit before that man there. A I said I had Durant to tend to this business for me; I didn't know that man there.  
Q Did you go before this man here? A I don't know.  
Q Where were you when you signed this paper? A Here in town somewheres; down stairs I believe.  
Q Were you before the Notary Public? A I don't know; I guess so; I don't know Mr. Lieber.  
Q Were you sworn when you signed this? A I guess so.

(Objected to by Mr. Isaacs-- because he would have to be sworn before he signed it.)

Q Were you sworn when you signed it? A It looks like it.  
Q Didn't you sign it before Mr. Lieber? Were n't you sworn by Mr. Lieber?  
A I suppose so, or somebody.  
Q Who was Durant, a Notary Public? A I suppose so.  
Q Did he swear you? A No; down here I guess.  
Q Were you sworn by Durant? You knew him? A Yes; he brought me in here  
Q Did he swear you? A No, I guess not.  
Q Did somebody else swear you? A Yes sir.  
Q Mr. Durant didn't swear you but the man you made the affidavit before did? A I suppose so.  
Q Don't you know? A Yes, I guess so.  
Q Didn't you put your name down? A I suppose so.  
Q This is the only affidavit you have signed about it, aint it? A I suppose it is; yes sir.  
Q Didn't you tell Mr. Beaver when he asked you that you didn't make an affidavit before Mr. Lieber? A Tell him-- told him that I didn't.

(Objected to by Mr. Isaacs.)

A I don't know Mr. Lieber from anybody else; I don't know any man in this house.  
Q Didn't you tell Mr. Beaver when he asked you-- didn't you tell him you didn't make an affidavit before Lieber? A Yes I did cause I can't tell Mr. Lieber from anybody else.  
Q You did state that? A Yes sir, cause I didn't know him.  
Q Then when he submitted the paper to you and asked you if that was your signature you said yes, didn't you? A Yes; I told you I had Durant to tend to my business for me; he brought me before him.  
Q That is the only affidavit you ever signed, aint it? A The onliest one I ever signed as I knows of except that one of Durant; if that's the same one; I don't know anything about it.

(Statement by Mr. Isaacs: I want to make a motion that the testimony in regard to these affidavits as to whether he swore to these affidavits or not be stricken from the record; it is immaterial.)

Isabella Brown being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Isabella Brown.  
Q How old are you? A I am a hundred and twenty years old.  
Q Did you know that you are under oath? A Yes sir, my god I wouldn't tell a lie here; not for my weight in gold.

Q Do you swear that you are 120 years old? A I will tell you; my age was run up here directly after Christmas by Mr. Chandler; he had it run up there; when I was a young woman me and my husband was courting when the stars fell.

Q Are you 120 years old? A That's what they said; I am old enough to tell the truth.

Q You know you are not 120 years old. A I might be older than that.

Q How old are you? A They say I am that old; my mistress got my age; but I dropped back and told Mr. Chandler.

Q Do you state that you are 120 years old? A Yes sir; I told him my age; there was an old man down there- the oldest man in town and he said if I knew when the stars fell and my mistress didn't let us entertain company in common until we was married.

Witness appears to be about 65 or 70 years old.

Q Do you know Minnie Williams? A Yes sir.

Q How long have you known her? A I reckon I knowed her about 13 years; I am a state woman; I have been here that long.

Q Do you know John Williams? A Yes sir.

Q How long have you been knowing him? A Ever since he was a boy about so- about so high.

Q Do you know a child of theirs named George Williams? A Yes sir.

Q Do you know when that child was born? A He was born in '90 on a Friday night.

Q Fourteen years ago? A Yes sir.

Q Fourteen years ago? A Fourteen?

Q If he was born in '90, that would be 14 years ago? A '99 it was. In '99; that don't make him 14 years old.

Q When was that child born? A In '99.

Q You say now '99? A Yes sir; this gentleman has got it down.

Q Is that child living or dead? A The child's dead now.

Q When did it die? A I can't tell you now; I am telling you what's straight

Q Were you present when the child was born? A I was the mid wife.

Q Well, you was present then? A Yes sir.

Q How far did you live from them when the child was born? A About 3 miles.

Q How far did you live from them when the child died? A Same distance.

Q About how old was that child when it died? A It was dead I think two months before I found it out; after it, went there between two and three he carried the child home so I understand to see his mother and then when he come back the child was taken down sick, but I don't know; I am not going to tell no lie.

Q How long before the child died was it that you saw it? A I never seed the child but, once when they took it to church. There was several I worked for I never seed the children no more.

Q Did you ever see it walk? A No; they had it in their arms when I seed it

Q You never saw it walk? A No sir.

Q Did you ever hear the child talk any? Was it old enough to talk when you saw it the last time? A Just jabbered.

Q Couldn't walk when you saw it? A No sir; I never saw it but once, the first time and the last time.

Examination by Mr. Isaacs:

Q Have you any idea how long it was before the child died that you saw it? A I seed it maybe at a church; we have always church at the first time of the month; I seed it like this month at the church on a Sunday and two months after that I heard it was dead; but still I didn't go to find out; but I think two months after; it jabbered.

Q As a matter of fact you don't know when it died? A No sir, I don't; I am not sure when it died.

Q Can you state definitely, when the child was born? A I told you the child was born on Friday night.  
 Q What month and year? A I can't tell you what month but it was born in '90.  
 Q You said a while ago in 1899. A Well, he said 13 years ago.  
 Q State definitely if you can when this child was born? A --  
 Q Have you any recollection of dates? A I don't read.  
 Q Have you any memory? A No, not, no sir; I just told you that when I first come and you asked me.

Examination by Mr. Mott:

Q Do you know what year this is? A No sir, I don't.  
 Q Now, you stated a little bit ago what year that child was born in.  
 A Well, I told him.  
 Q What year was that child born in? Think now; if it was 1890 that would be 14 years ago; this is 1904; now do you mean 1890 or something else?  
 Q What do you say? A I said it was born in '90 didn't I?  
 Q You said that but then you took it back; that was 14 years ago; then you said '99; did you mean 1900 or '89 or what? A I want to tell it as straight as I can.  
 Q I didn't ask you that; what year was it born in? if you don't know, say so.  
 A I told you.  
 Q What year? A I told you it was born in '99.  
 Q It is now '99; are you certain of that? A Yes sir.  
 Q What is the next year after '99? A I can't tell you, Captain.  
 Q What year follows 1899? A I don't know that.  
 Q What year comes ahead of 1899? A Well, I must tell the truth.  
 Q What year comes ahead of '99; do you know? A No sir, I don't.  
 Q Who told you then; when you was coming here as a witness what did you come here to tell? A Just what I know and had nothing to do.  
 Q Well, if you can tell what year it was born in and what year it died in, did anybody tell you? A Nobody did; all the woman that I gets to be with, I says put down the little childrens' age.  
 Q You mean somebody else has put it down? A Well, I can't put down nothing.  
 Q You don't know anything, about when it was born or when it died? A Well I told you what time it was born.  
 Q Well, what year was it born in? A It was born in '90.

Babe Williams being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Babe Williams.  
 Q How old are you? A Forty one.  
 Q What is your post office address? A Now Haynes; used to be Wybark.  
 Q Are you a citizen of the Creek Nation? A Yes sir.  
 Q Have you a family? A Yes sir.  
 Q You are married? A Yes sir.  
 Q Got any children? A Yes sir.  
 Q Got any children enrolled here by the Commission that you got land for? A Yes sir; Howard and Ellie Williams.  
 Q Are they Creek Freedmen? A Yes sir.  
 Q Is your wife a citizen? A No sir; my first wife was a citizen.  
 Q The mother of these children? A Yes sir.  
 Q How old are these two children? A I don't know exactly; Ellie is about 11; I think; Howard is dead; he died last fall.



- Q How old was Howard when he died? A About 6 or 7; I am not certain.
- Q Do you know Minnie Williams? A Yes sir.
- Q How long have you known her? A Ever since she was about 8 years old.
- Q Do you know John Williams, her husband? A Yes sir, I am acquainted with him.
- Q Did you know a child of theirs named George? A They have got two children; did have two; one's dead; I don't know the names; I can't swear to the names for I don't know them.
- Q Do you know about when their oldest child was born? A The first child?
- Q Yes. A I don't know the date but I know the year.
- Q What year was it? A The year '98.
- Q Born in '98 was it? A Yes sir, if I make no mistake it was '98; Minnie was living with us when she married.
- Q Do you know a child named Arthur Ray Nash? A Yes sir.
- Q Was this child of Minnie's born before this Arthur or after-- that oldest child of Minnie's? A It was before; I think; if I make no mistake it was before; I don't know for certain cause me and my wife separated afterwards and went away, married and moved off; married in Arkansas and was working on the railroad all the time.
- Q Do you know whether this oldest child of Minnie's was dead when Arthur was born or not? A No sir.
- Q You don't know? A No sir, I don't.
- Q Did Minnie used to live in your family? A Yes sir.
- Q Was she married at your house? A No sir; didn't marry at my house.
- Q About how old was she when she was married? A Minnie was about 15 or 16 years old; not knowing for certain; I don't know her age.
- Q About how long after she was married until her oldest child was born? A Well, I can't say for certain. To tell the truth I can't say for certain.
- Q What is your best judgment about it? A I just can't say.
- Q You don't know? A No sir.
- Q How far did she live from you after she was married? A She lived about from where I was living about 5 miles; cause me and my wife was separated when this child was born.
- Q When her oldest child was born, you mean? A Yes sir.
- Q Did you see her frequently? Was you at her house sometime? A I was there then; I happened to be there the time the child was born; when she was taken sick.
- Q When the child was born? A Yes sir.
- Q When did you and your wife separate? A We separated in the year of 1896. To my best judgment.
- Q Were you divorced? Did you have a divorce in the courts? A Yes sir; married by Creek law; divorced in Creek court.
- Q How long after you separated until you were divorced? A To my best judgment about a year I think; I am not certain.
- Q Did Minnie marry before you were divorced or after? A Minnie married before.
- Q She married before you were divorced? A Before? Yes, me and my wife were living together when Minnie married.
- Q You think you cannot form any idea as to how long she was married before that child was born? A No sir; just to speak it off how long I can't.
- Q Do you know when the child died? A No sir, I don't.
- Q Do you know about how old it was when it died? A I had recollection of the baby; I think it was about 3 years old; from talk only; I didn't see the child; they claim John carried it away.
- Q About how old was the child the last time you saw it? A About 8 months old.
- Q Could it walk or talk either? A No sir; I was working on the railroad and I just stayed at my work.

Q Were you told that the father of the child took it away? A Yes sir; that was my understanding.  
Q About how long did he keep the child away according to what you was informed? A I can't tell you to save my life.

Examination by Mr. Isaacs:

Q When did you say it was born? A The year of 1898.  
Q 1898? A Yes sir.  
Q And you don't know when it died? A No sir.  
Q Do you know when John went to Mississippi? A No sir.  
Q With the child? A No sir.  
Q What were you following when this child was born? A I was railroad-  
ing. the community?  
Q Did you go off after that or were you around in ~~South~~--? A I was  
at Gibson for 10 years.  
Q You were living then in the community? A Yes sir, within five miles.  
Q After the birth of the child did you visit at her house much? A I  
seen the child at church when it was about 11 months old.  
Q Did you see the child any othertime before its death? A Not to my  
recollection.  
Q When did you see John Williams after he went to Mississippi; when did  
you first see him again? A I saw John again in McAlester, I think, on  
the road.  
Q About what time after he left and went down to Mississippi? A About  
18 months I believe. That's my recollection now; I don't know certain  
now; about a year and 6 months.  
Q Do you know whether the child was dead then or not? A No sir, I  
don't; I didn't ask him; they claim his mother had it.  
Q You saw John Williams then about 18 months after the birth of his  
child? A No sir; you see the child was about 11 months old when I saw  
it; John had not carried it off then; then about 18 months after I saw  
him.  
Q Then you saw John Williams about 18 months after the 11 you had seen  
the baby? A Yes sir.  
Q And you say you saw him at South McAlester at that time? A Yes sir,  
he was on the road.

By the Commission:

The Commission desires that the Bible in which it stated that the record  
of the birth and death of George Williams appears be presented for its  
inspection.

An affidavit, heretofore filed relative to the death of George Wil-  
liams is made part of the record herein.

Henry G. Hains being sworn on his oath states that as stenographer to  
the Commission to the Five Civilized Tribes he reported the above case  
and that this is a full, true and correct transcript of his stenographic  
notes in same.

*Henry G. Hains.*

Subscribed and sworn to before me this 24 day of September, 1904.

*Notary Public.*  
Notary Public.

IN RE

Application for Enrollment of

INFANT CHILD

*George Williams*  
as a citizen of  
*Creek* Nation.

Approved.....190

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

*August 27, 1904*

CHAIRMAN

*D. W. Isaac,*  
*att'y for applicant.*



## DEPARTMENT OF THE INTERIOR,

## COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,  
 of George Williams, born on the 16 day of December, 1888  
 (Here insert name of child)  
 Name of Father: John Williams a citizen of the United States Nation.  
 Name of Mother: Minnie Williams a citizen of the Creek Nation.  
 Post-office: Hyland, Indian Territory

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.

District.

I, Minnie Williams, on oath state that I am 24  
 years of age and a citizen, by Treaty, of the Creek Nation;  
 that I am the lawful wife of John Williams, who is a citizen, by  
 of the United States Nation; that a male child was  
 (Male or female)  
 born to me on 16th day of December, 1888; that said child has been named  
George, and is now dead living.

WITNESSES TO MARK:

Must be Two  
Witnesses.

O. W. Isaac  
Phineas R. Rice  
 Subscribed and sworn to before me this 19th day of August, 1904  
Lenna L. Lanigan  
 NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.

District.

I, Isrealbella Brown, a midwife, on oath state that I at-  
 tended on Mrs. Minnie Williams, wife of John Williams  
 on the 16 day of December, 1888; that there was born to her on said  
 date a male child; that said child is now dead living  
 (MALE OR FEMALE)  
George

WITNESSES TO MARK:

Must be Two  
Witnesses.

O. W. Isaac  
Phineas R. Rice  
 Subscribed and sworn to before me this 19th day of August, 1904  
Lenna L. Lanigan  
 NOTARY PUBLIC.

IN RE  
THE DEATH OF

*George Williams*  
a citizen of the

*Creek* Nation.

Approved

1

Commissioner.

*En 672 ?*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FILED

*July 25, 1901*

ACTING CHAIRMAN

*Recd 7/22/01*

# DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of *George William*  
(Here insert name of deceased.)  
 a citizen of the *Creek* Nation, who formerly resided at or near  
*Blackstone*, Ind. Ter., and died on the *N* day of *Dec*,  
(Here insert name of post office.)  
 1901

## AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,

*Northern* District.

I, *Johnny Williams*, on oath state that I am *23*  
 years of age and a citizen, of the *United States* Nation;  
 that my post office address is *Wybank*, Ind. Ter.; that I am  
(Here insert name of post office.)  
*the father* of *George Williams*  
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)  
 who was a citizen, by *adoption*, of the *Creek* Nation;  
 and that said *George Williams* died on the *15* day of  
(Here insert name of deceased.)  
*December*, 1900.

WITNESSES TO MARK:

(Must be Two)  
 Witnesses.

Subscribed and sworn to before me this *22* day of *July*, 1901.

*John L. Lieber*  
 Notary Public.

## AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,

*Northern* District.

I, *James Patterson*, on oath state that I am *26*  
 years of age, and a citizen, of the *United States* Nation;  
 that my post office address is *Muskogee*, Ind. Ter.;  
(Here insert name of post office.)  
 that I was personally acquainted with *George Williams*  
(Here insert name of deceased.)  
 who was a citizen, by *adoption*, of the *Creek* Nation;  
 and that said *George Williams* died on the *15* day of  
(Here insert name of deceased.)  
*December*, 1900.

WITNESSES TO MARK:

(Must be Two)  
 Witnesses.

Subscribed and sworn to before me this *22* day of *July*, 1901.

*John L. Lieber*  
 Notary Public.

498  
 105

2033

(Supplemental testimony)

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
MUSKOGEE, I. T., September 8, 1904.

In the matter of the application of John Williams for the enrollment of his deceased child, George Williams, as a Creek Freedman.

APPEARANCES: S.W. Isaac, attorney for applicant.

JOHN WILLIAMS, being duly sworn testified as follows:

- Q What is your name? A John Williams.  
Q What is your age? A 26 years old.  
Q What is your post office address? A Wybark.  
Q Are you the person who made application for the enrollment of George Williams, deceased, as a Creek Freedman, a few days ago? A Yes sir.  
Q What relation are you, or was you to George Williams? A Father.  
Q In the matter of arriving at the date of the birth and death of George Williams, you were asked to bring in and identify some bibles, were you not? A Yes sir.  
Q And you now have them with you? A Yes sir.  
Q You introduce them in support of the testimony heretofore given? A Yes sir.

By S. W. Isaac, attorney:

- Q Which one of these is your regular family record, the large or the small bible? A The small one you see contained the birth and death of George Williams and that record was copied from the small into the large one.  
Q And for that reason you brought both, did you? A Yes sir.  
Q When did you make this entry of the birth and death of George Williams into this small one? A At the time of his death.  
Q How long after was it copied from the small one into the large one? A Something like a year ago.

By Commission:

- Q These bibles introduced here are yours, are they not? A Yes sir.  
Q After the last chapter in the Old Testament, there appears some writing relative to George Williams, is this a note of his birth and death as placed in this Bible by you? A Not placed there by me, it was placed there by R. Turner, the pastor.  
Q There is mention here of the birth of George Williams and also the death, were these two entries made at the same time? A Yes sir, I suppose they was, Turner did the writing, I was not there.  
Q Then this writing could not have been placed there shortly after his birth? A No sir, after his death.

Just following the last chapter of the Old Testament in the Bible brought as evidence appears the following:

"George Williams was born Dec. 16, 1898, and died April the 13, 1900".

- Q You say this Bible belongs to your family, does it? A Yes sir.  
Q And that this inscription just read was placed in there by your pastor shortly after the death of this child? A Yes sir.

By S.W. Isaac, attorney.

- Q John, do you mean to say your pastor, shortly after the death of George Williams, entered the date of the death and birth of this child in the Bible? A I guess he did, I was not there.

- Q How could you call it a correct record of the birth of the child if it was not placed in the Bible at the time he was born? A I was not there Turner did the writing and I just supposed he wrote it then.
- Q Do you know that Turner placed the date of his birth and death in the Bible at that time? A No sir, I don't know it, I was not there but supposed he did it.
- Q You identify it then as being the record of the birth and death placed there by Turner? A Yes sir.

I, Nona E. Wallar, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

Nona E. Wallar

Subscribed and sworn to before me this 9th day of September, 1904.

Edward Merrick.  
Notary Public.

M. C. C.  
No 672

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Williams, deceased, as a Creek Freedman.

DECISION.

The record in this case shows that on August 19, 1904, Minnie Williams appeared before the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, and made application for the enrollment of her minor child, George Williams, deceased, as a Creek Freedman.

Further proceedings in the matter of said application were had at Muskogee, Indian Territory, September 8, 1904.

The evidence in this case shows that Minnie Williams, mother of said George Williams, deceased, is identified on the partial list of Creek Freedmen approved by the Secretary of the Interior March 28, 1902, Roll No. 3866; that said George Williams was born December 16, 1898 and died April 13, 1900.

It is, therefore, ordered and adjudged that the said George Williams, deceased, is entitled to be enrolled as a Creek Freedman, in accordance with the provisions of the acts of Congress of June 28, 1898 (30 Stats., 495) and March 1, 1901, (31 Stats., 861), and the application for his enrollment is accordingly granted.

Muskogee, Indian Territory,

NOV 14 1905

  
Commissioner.

Mn. 672

Muskogee, Indian Territory, November 14, 1905.

W. L. Nett,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of George Williams, deceased, as a Creek freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no protest has been made said George Williams, deceased, will be regularly listed for enrollment as a Creek freedman.

Respectfully,

Commissioner.

AG-672



Cr En 672

Muskogee, Indian Territory, January 10, 1906.

S. W. Isaac,

Attorney for George Williams,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the name of George Williams (deceased) is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior January 4, 1906, and that application by the legal representatives for the heirs of said George Williams (deceased) for a selection of land in the Creek Nation may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

Or En 672

Muskogee, Indian Territory, January 10, 1906.

Minnie Williams,

Care, of John Williams,

Wybark, Indian Territory.

Dear Madam:

You are hereby advised that the name of your deceased minor child, George Williams, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior January 4, 1906, and that application by the legal representatives for the heirs of said child for a selection of land in the Creek Nation may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 673

CR EN 673

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 18, 1904.

In the matter of the application for the enrollment of Sarah Ann Turner and Dugan Root, as citizens by blood of the Creek Nation.

APPEARANCES: M. L. Mott, attorney for Creek Nation.

Here Charles being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Here Charles.  
Q How old are you? A About 32.  
Q Where do you live; what is your post office address? A Coweta.  
Q Do you make application for the enrollment of Sarah Ann Turner as a citizen by blood of the Creek Nation? A Yes sir, and Dugan Root.  
Q Is Sarah Ann Turner living or dead? A Dead.  
Q Is Dugan Root living or dead? A He is dead.  
Q Are you related to them? A No sir, my ~~wife~~ wife; sister to them.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q What town do you belong to? A Arkansas.  
Q To what town does Sarah Ann Turner and Dugan Root belong? A Tulsa Canadian.  
Q Do you know anybody belonging to Tulsa Canadian town by the name of Tamar? A No sir.  
Q Do you know anybody by the name of Lizzie? A My wife has a sister named Lizzie.  
Q Is she dead? A No sir, living; she lives at Oklahoma somewhere; she was living when she left here about a year ago.

The 1890 authenticated tribal roll of the Creek Nation examined Tulsa Canadian town, and at page 203 the name of Sarah Ann is found, which is believed to be the Sarah Ann Turner herein applied for, said Sarah Ann Turner not being identified elsewhere on said roll.

The 1896 pay roll of the Creek Nation examined and Sarah Ann Turner identified thereon at No. 58, Tulsa Canadian town. Dugan Root is identified on that roll at No. 59, Tulsa Canadian town; he is also identified on the 1891 omitted roll, Tulsa Canadian town, No. 1064.

- Q Are Sarah Ann Turner and Dugan Root both dead? A Yes sir.

Affidavits heretofore filed with the Commission relative to the deaths of Sarah Ann Turner and Dugan Root executed by Lewis Childers are made part of the record herein; also an account of John Gully with the H. F. Jones Mercantile Co. of Wagoner, Indian Territory, and an affidavit of John Gully thereto attached, are made part of the record herein.

On October 16, 1903, ~~and~~ evidence in the matter of accounting for these persons on the Creek tribal rolls not heretofore accounted for was taken by the Commission at Okmulgee, Indian Territory, and on that day, George V. Hill, town king of Tulsa Canadian town, testified, and

in the course of his examination under oath, questions being asked him relative to the members of his town, and the following question was asked and answer given:

" Sarah Ann? A She died before the land office opened."

Q Did you live near Sarah Ann Turner when she died? A Yes sir, she was living at my house.

Q Do you know when she died? A Yes sir.

Q When did she die? A In February.

Q What year? A 1901; the coldest day we had.

Q Why is it that application has not been made for her before now?

A I can't tell you why; I never bothered with it-- because this man, John Gully went to make a trade with some man about Wristow to sell that land and I wouldn't do it; I wouldn't do what wasn't right; he swore he bought the coffin for Sarah and there wasn't no coffin bought for her; he was in Jail and I wouldn't have anything to do with him; I never had anything to do until a few days ago when Ellis Childers told me I better see about it; and that's why I didn't see.

Q Did you make any record of the date of the death of Sarah Ann Turner?

A Nothing only to keep it in my mind, remembrance.

Q You didn't write it down anywhere? A No sir.

Q Have you any young children? A Yes sir.

Q How old is your youngest child? A Two years.

Q How old is the one next older to that? A Four years old.

Q What is the name of that child? A Reuben Charles.

Q Have you filed for that child? A Yes sir.

Q Was Sarah Ann Turner living when Reuben Charles was born? A Yes sir.

Q She was living then? A No sir; she was born the next coming December.

Q She was dead then when he was born? A Yes sir.

Q How long had she been dead when Reuben was born? A Reuben was born before she died.

Q You just stated that she was dead. A I filed in July for Reuben--- that's right-- Reuben was born; he was a baby and that coming 1901 Sarah died; I filed for Reuben in 1900.

Q Now what do you say; was she dead when Reuben was born or not? A Reuben was born.

Q Well, she was living then? A Yes sir.

Q How long after he was born that she died? A That coming February. Reuben was born in December and she died in February.

Q The next February? A 1901.

Q How long was it after he was born until she died? A It was only about two months or a little over.

Q Are you satisfied that is a fact? A A little over two months.

The records of the Commission show that Reuben Charles was born December 3, 1899.

A Well, we have got it down when he was born at home; I was thinking it was 1900.

Q Is Dugan Root dead? A Yes sir.

Q Did he die before Sarah Ann Turner or after? A After; just about a month after she died; he was paralysed; could neither walk nor talk.

Q When did he die? A March, 1901; just a month apart.

Q Did you come and file for your wife? A Yes sir.

Q Was Sarah Ann Turner living when you came and filed for your wife?

A No sir, she wasn't.

Q She was dead then, was she? A Yes sir.

Q Was Dugan Root dead also? A He was dead too.

Q Are you positive of these two facts? A Yes sir. There was a coffin bought for the boy and none for the woman.

Q How long had these two people been dead then? A Well, one was about three months and the other was about two, as near as I could recollect;

I think I filed here in May for my wife; sometime in May.

The records of the Commission show that application for an allotment of land for Ellen Charles was made April 12, 1901.

Q Was there a coffin purchased for either one of these people? A One for the boy.

Q Did you buy it? A Yes sir; myself.

Q Whom did you buy it off? A Davison Jones Mercantile Co.

Q Is that the same Jones mercantile Co? A Yes sir; that was for the boy.

Q Did you pay for it at the time you got it? A No sir; I got it on credit.

Q Did you buy a coffin for Sarah Ann Turner? A No sir.

Q Did you buy any burial material for her? A I bought a black shroud and white one.

Q Did you pay for that at the time you bought it? A Yes sir; that was only a dollar and six bits.

The applicant is advised that it will be necessary for him to furnish the Commission with a transcript of the account showing the purchase of the coffin for Dugan Root, with the affidavit of the party from whom he purchased attached thereto, giving the date of the purchase ~~and whatever else is sworn to there.~~

Henry G. Haine being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Haine*

Subscribed and sworn to before me this 26 day of September, 1904.

*H. H. Martin*

Notary Public.

En. 678.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
NEAR COWETA, I. T., FEB'Y 9, 1907.

In the matter of the application for the enrollment of Sarah Ann Turner and Dugan Root, both deceased, as citizens by blood of the Creek Nation.

NERO CHARLES, being first duly sworn by Alex Posey, a Notary Public, and examined, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Nero Charles.
- Q How old are you? A About 37.
- Q What is your postoffice address? A Coweta.
- Q Are you a Creek citizen? A Yes.
- Q To what Creek town do you belong? A I was adopted by the Arkansas colored town, I was put on as a freedman.
- Q Were you acquainted with Sarah Ann Turner? A Yes.
- Q She is dead, is she? A Yes, she is dead.
- Q Was she a citizen of the Creek Nation? A Yes.
- Q To what Creek town did she belong? A She belonged to the Tulsa Canadian town as well as I remember.
- Q Was she a relation of yours? A No, she was a sister to my wife.
- Q Do you know when she died? A No, I don't know exactly, but she died in February, long about the last of February.
- Q How many years has it been since she died? A I don't know, she died long in '99, she died just before the filing commenced; I think they commenced filing in April and she died in February of '99; she died right here at my place. Jones and Edwards had her land leased from her and told her to file on it and they would still lease it on.
- Q But before filing she died? A Yes sir, before she filed she died.
- Q Are you sure that she died in February of '99? A Yes sir.
- Q Have you any record showing the exact date of her death?
- A No sir, I have not, because I didn't think, you know, that they could file and again I heard they could file and I never bothered anything about it.
- Q Where is she buried? A She is buried right over there at the old man Toby place, on Coal creek.
- Q Is the grave marked by a head board or tomb-stone? A No, nothing but a plank or board set up at the head.
- Q Is there any writing on the head board? A No sir, there is nothing at all on it.
- Q You were present when she died? A Yes sir.
- Q Did you know Dugan Root? A Yes sir.
- Q Was Dugan a grown person or a child? A Just a little boy.
- Q What relation was he to Sarah Ann? A He was her son.
- Q Which of the two died first, Dugan or Sarah? A Sarah died first.



- 2-
- Q How long after Sarah died, was it before Dugan died?  
 A I reckon it must have been hardly a month's difference, he died between the middle and last of March and she died the last of February. There were hardly a month's difference in the two deaths.
- Q Are you positive that Dugan died in March? A Yes sir, he was paralyzed so he couldn't talk or walk.
- Q Dugan then died before people began filing upon their allotments? A Yes sir, they had the land already selected for filing when they died, because I made the selection for them myself.
- Q You are absolutely sure, are you, that Sarah Ann Turner died in February, '99 and that her son Dugan Root died in March 1899? A Yes sir.
- Q You have no record showing the date of Dugan Root's death? A No sir, nothing.
- Q How old was the boy when he died? A I don't know exactly how old he was.
- Q He died in this house, did he? A Yes sir, in my house, he couldn't have been over nine or ten years old, just a small boy!

-----

Testimony of Ellen Charles.

ELLEN CHARLES, being first duly sworn by and examined through Alwx Posey, a Notary Public and official interpreter, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Ellen Charles.
- Q How old are you? A About 29.
- Q What is your postoffice address? A Coweta.
- Q Are you a Creek citizen? A Yes sir.
- Q To what Creek town do you belong? A Tulsa Canadian.
- Q Did you know Sarah Ann Turner? A Yes sir.
- Q Was she a relative of yours? A She was my sister.
- Q Do you know when she died? A Yes sir.
- Q When did she die? A She died in February of the year in which people began filing upon their allotments. She had selected the land that she wanted to file upon but had not yet filed when she died.
- Q Did she die in February, 1899? A Yes sir.
- Q You remember the circumstances of the opening of the Creek Land office, do you? A Yes sir.
- Q Sarah Ann Turner died just before that time, did she? A Yes, sir.
- Q Are you positive of that? A Yes sir.
- Q Did you know a child of Sarah Ann Turner's named Dugan Root? A Yes sir.
- Q When did he die? A Dugan died in March about a month after the death of his mother, Sarah Ann Turner; I can't fix the exact day on which either of them died, but Sarah Ann Turner died in February and Dugan died in March.

Q Where did they die? A They both died in my house.

---

J. B. Myers, being first duly sworn, states, that as stenographer to the Commissioner to the Five Civilized Tribes, he recorded the testimony in the foregoing proceedings, and that the above is a true and correct transcript of his stenographic notes thereof.

J. B. Myers

Subscribed and sworn to before me,  
this 12 day of February, 1907.

[Signature]  
Notary Public.

JBM

CR-1000.

Mustache, Indian Territory, February 18, 1907.

Miss Charles,

c/o Mrs Charles,

Coweta, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your deceased sister, Sarah Ann Turner, and her deceased child, Degan Reet, as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.  
LM-339.

Cr.No. 693.

Muskogee, Indian Territory, February 18, 1907.

M. L. Kott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Sarah Ann Turner and Dugan Root, both deceased, as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LI-340.

Cr.M. 673.

Muskogee, Indian Territory, February 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Sarah Ann Turner and Dugan Root, both deceased, as citizens by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

IN-341.

Through the Commissioner  
of Indian Affairs.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sarah Ann Turner and Dugan Root, both deceased, as citizens by blood of the Creek Nation.

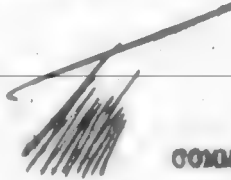
DECISION.

The record in this case shows that on May 22, 1901, the names of Sarah Ann Turner and Dugan Root were listed, from information, on Old Creek Indian Field Card number 2748. Said action is considered as an original application for the enrollment of said persons as citizens by blood of the Creek Nation. Further proceedings were had on August 18, 1904, and February 9, 1907. The affidavits of Louis Childers and John Gulley, together with a transcript of the testimony taken on October 16, 1903 "in the matter of accounting for those persons whose names appear on the Creek tribal rolls, who died prior to April 1, 1899, and are not shown on said roll to be otherwise accounted for", are attached to and made a part of the record herein.

It appears from the evidence and the records in the possession of this office that the said Sarah Ann Turner, deceased, is the same person whose name appears on the 1890 authenticated tribal roll of the Creek nation, in Tulsa Canadian Town under the name of Sarah Ann, and that the said Dugan Root is the identical person as the Dugan Root, whose name appears on the 1895 authenticated tribal roll of the Creek Nation in Tulsa Canadian Town and on the 1891 Omitted roll, Tulsa Canadian Town.

Although the evidence is somewhat conflicting as to the date of death of applicants herein, it appears from the weight of the evidence that they both died prior to April 1, 1899.

It is, therefore, ordered and adjudged that the applicants Sarah Ann Turner and Dugan Root are not entitled to be enrolled as citizens by blood of the Creek Nation, and the application for their enrollment as such is accordingly denied.



COMMISSIONER.

Muskogee, Indian Territory.

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DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

Land  
18323-1907.

WASHINGTON.

February 28, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

There is enclosed a report from Commissioner Bixby dated February 18, 1907, transmitting the record relative to the application of Sarah Ann Turner and Dugan Root, for enrollment as citizens by blood of the Creek Nation including the decision of the Commissioner dated February 18, 1907, adverse to the applicants.

The decision of the Commissioner has been examined and found to be correct and the same is recommended for approval.

Very Respectfully,

C.F. Larrabee,

Acting Commissioner.

HRD-NL



Cr. No. 678

Muskogee, Indian Territory, March 11, 1907.

Ellen Charles,  
Care of Nero Charles,  
Coweta, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Sarah Ann Turner, and her deceased child, Dugan Root, as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

L25

57

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

PM

I.T.D.  
6120, 6120, 6090, 700, 7200-07,  
7330, 7412, 7434, 7444, 7800-2  
7890, 9634, 7674, 7712, 7740-0.

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek enrollment cases  
adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
----------------	--

<del>Sarah Ann Turner and Degan West, deceased,</del>	February 18, 1907.
G. D. Farrar, et al., (Freedman)	February 18, 1907.
Harvard Luckey (Freedman)	February 14, 1907
Simon Harjo et al.,	February 19, 1907
Minnie Davis (Freedman)	February 18, 1907.
Harjoche,	February 21, 1907
Frank Brown,	February 8, 1907.
Caesar Sandridge, deceased, (Freedman)	February 16, 1907.
John Shelby Johnson,	February 23, 1907
Mollie Colbert, et al., (Freedman)	February 16, 1907
Winnie Evans (Freedman)	February 19, 1907
Austin Kennard,	February 21, 1907
Gains Medlock, et al.,	February 23, 1907
Jeffrey Gough deceased, (Freedman)	February 25, 1907
Bee Dorcas, et al.,	January 18, 1907.

Copies of Indian Office letters submitting your reports  
and recommending that the decisions be approved, are inclosed.

A copy hereof and the papers in the above mentioned cases  
have been sent to the Indian Office.

Respectfully,

James H. Wilson,

Assistant Secretary.

15 inc. and 32 for Ind. of.  
with copy hereof.

WRF 3/4/07.

RESIDENCE: Wagoner, Ind. Ter.  
 POST OFFICE: Wagoner, Ind. Ter.

Nation.

Roll.

CARD NO. \_\_\_\_\_  
 FIELD NO. 2748

Dawes' Roll No.	NAME.	Relationship to Person first Named.	AGE	SEX.	BLOOD.	TRIBAL ENROLLMENT.			TRIBAL ENROLLMENT OF PARENTS.					
						Year.	District.	No.	Name of Father.	Year.	District.	Name of Mother.	Year.	District.
<del>1</del>	<del>Wagner, Sarah Ann</del>	<del>Daughter</del>	<del>25</del>	<del>F.</del>	<del>Full</del>	<del>1895</del>	<del>Julia Canadian</del>	<del>58</del>	<del>Rube Childers</del>	<del>Dead</del>	<del>Big Spring</del>	<del>Sophia Berryman</del>	<del>Dead</del>	<del>Julia Can</del>
<del>2</del>	<del>Root, Dugan</del>	<del>Son</del>	<del>9</del>	<del>M.</del>	<del>.</del>	<del>1895</del>	<del>" "</del>	<del>59</del>	<del>Tom Root</del>			<del>Not</del>		
3														
4														
5														
6														
7														
8														
9														
10														
11														
12														
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14														
15														
16														
17														
18														

*Not died in February 1898. Proof of death attached*  
*Not " " March 1898. " " " " " "*

*The correct name of Not is Sarah Ann Root*  
*May 24/1901*

*Edw. Hill, from Ling, says Not & Not are both dead; date unknown to him.*

*Thomas Smith born Nov 14 1891 & died in March 1900.*

*Not on Card 243 is ruled to Not being*

*No 2 on the '91 Enrolled Roll in 1894*

*May 22, 1901*

*8/18/04. Affidavits transferred to Enrollment Cases {673  
 {675*

CR EN 674

CR EN 674

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 22, 1904.

In the matter of the application for the enrollment of Polly Bruner as a Creek Freedman.

APPEARANCES: E. Hastain, attorney for applicant.  
N.L.Mott, attorney for Creek Nation.

Polly Bruner being duly sworn testified as follows:

Examination by the Commission:

(Statement by Mr. Hastain, explaining the basis of applicant's claim:)  
Polly Bruner claims to be a Creek Freedman entitled to enrollment; claims that her name appears upon the tribal rolls of the Creek Nation, and that this is the first time she has ever appeared before the Commission.

Q What is your name? A Polly Bruner.  
Q How old are you? A I don't know my age.  
Q Well, about? A I am over 60; some say I am a hundred but I don't know. (The applicant appears to be a great deal more than 60 years of age; at least 80.)  
Q What is your post office address? A Humbolt, Kansas.  
Q Do you make application to be enrolled as a Creek Freedman? A Yes sir.  
Q Did you ever draw any money from the Creek Nation? A Yes sir.  
Q How much did you get? A About \$20.  
Q About twenty dollars? A Yes sir.  
Q Did you ever draw any except that one time? A Only that one time.  
Q To what town in the Creek Nation do you claim to belong? A I belong to this nation.  
Q Do you know what town it is you ought to belong to? A I belong to the Creek Nation is all I know.  
Q Do you live in Kansas? A I am staying there- not living there.  
Q How long have you been living there? A Since the war ceased. I came backwards and forwards here and I got so helpless I couldn't come; so I come up once in a while to see my nephew; I just living with people there.  
Q Did you go to Kansas during the war? A Time the war been ceasing.  
Q About, the time the war ceased you went to Kansas? A Yes sir.  
Q Have you been spending most of your time in Kansas since then? A Backwards and forwards.  
Q Did you ever go by any other name except Polly Bruner? A No sir.  
Q Always been Polly Bruner ever since the war? A Yes sir.  
Q Were you ever married to a man by the name of Bruner? A Yes sir.  
Q What was his given name? A I used to call him Pare Bruner; he is here somewhere.  
Q Did you ever hear of the Dunn roll? A Never heard of it until I understood what it was.  
Q You don't know what it is? A No sir.

Pare Bruner being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Pare Bruner.  
Q How old are you? A Well, if I could say, it is somewhere in the neighborhood of 81 or something.  
Q What is your post office address? A Pare, I.T.  
Q Do you know Polly Bruner? A Yes sir.  
Q Was she your wife? A One time in past time she was.  
Q When was that? A Very young; sometime in '56 or '59; far back.  
Q You were here when the Dunn Roll was made? A I wasn't in this neighborhood.  
Q You are on the Dunn roll yourself? A Yes sir.  
Q Do you know whether her name is on the Dunn roll or not? A I am not able to say; I wasn't installed as officer at that time.  
Q Has she always gone by the name of Polly Bruner? A Yes sir.  
Q Ever since she was your wife? A I never know her by any other name.  
Q Do you know whether she married anybody else after she married you? A Yes sir.  
Q What was it? A A Crosslin.  
Q Has she got any children in the Creek Nation? A No sir.  
Q Did she ever have any children? A One; before my and her time.  
Q It died before the Dunn roll? A Before I knew her.  
Q Do you know whether any money was ever drawn for her or not in the Creek Nation? A Yes sir.  
Q When was that? A Well, th t was the 29 or the 14. It was said to me his brother drew the money; that was the \$14.  
Q That was drawn in Canadian town was it? A Yes sir.  
Q Do you know what name that was under; whether it was Polly Bruner or Polly Crosslin? A I am not able to say; they called her a nickname, Tooley Bruner or Tooley Crosslin.  
Q Do you know anything about money having been drawn for her in '90 except what you have heard? A That's all; I was sick in the '95 payment; I was Commissioner.  
Q Do you know Jack Bruner? A I may know him but not by that name.  
Q Do you know Daniel and Nancy Bruner? A There's two Nancy Bruners; I don't remember about the Daniel.  
Q This man now calls him self Daniel Lucky; do you know him? A No sir I know Jack Lucky.  
Q His wife's name is Judy? A I don't know him.  
Q Do you know Nancy Roberts? The wife of Charles Roberts? A I know Charley Roberts mighty well; I seen him today; it must belong to Arkansas.  
Q Well, she does; but she did belong to Canadian a long time ago. Uncle Pare, when did Polly Bruner go away from here? Or do you know? A Went f from here after Christmas in '66.  
Q How long did she remain away? A She went off in '66 and came back in the summer of '67 and was here till fall and went off and stayed off for a year or two and come back again; she had about 4 or 5 trips until she got so old and stopped traveling; she never left Fort Gibson until peace declared.  
Q Where has her home been since the war? A 12 miles from Eufaula Station.  
Q Whom has she been living with? A William Sullivan.  
Q Here lately? A You mean before the war?  
Q Where has she been living the last few years? A In Kansas.  
Q How long in Kansas? A Off and on a good while; she has been coming back.  
Q Where has her home been in that time? A For a fact she has no permanent home.  
Q About how long would she stay in the Creek Nation when she came down here? A Sometimes 2 or 3 months; 6 months one time.  
Q Then how long would she be gone? A A good while.  
Q 2 or 3 or 4 or 5 years or something like that? A Here lately its been about 6 years or a little more.  
Q She hasn't been here this last time for about 8 years? A Yes; she's getting old and feeble.



John Robert being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Some call me John Cat but my name is on the roll John Robert.
- Q How old are you? A I think I am scratching at 59.
- Q What is your post office address? A Twine.
- Q Do you know the applicant, Polly Bruner? A Yes sir.
- Q How long have you known her? A Ever since I was a boy; before the war.
- Q Is your name on the Dunn roll? A Yes, I think it is.
- Q Did she live here at about the close of the war? A Yes sir.
- Q Do you know when it was she left? A I can't tell you the date.
- Q About the year, as near as you can come at it? A '86; just after Christmas.
- Q How long did she remain away; do you know? A She came back in '67.
- Q Do you know what time of the year? A No sir, I don't know the date.
- Q How old were you then? A I was about 19 or 20. I was old enough to be a soldier.
- Q Do you know Daniel Lucky? A Yes sir.
- Q Know what his father's name was? A I used to but think his step-daddy old man Jack Lucky.
- Q What was his mother's name? A Polly.

Daniel Lucky is identified on the Dunn Roll at #1363 under the name of Daniel Bruner; immediately preceding his name at #1362 is the name of Polly Bruner with the following notation opposite her name, "dead" in pencil; immediately preceding the name of Polly Bruner on said roll at #1361 is found the name Jack Bruner with the following notation opposite his name in pencil "dead".

- Q Do you know whether the applicant ever drew any money from the Creek Nation or not? A Well, now, his brother was named John Cooke was the man that drew it; he drew that \$39.
- Q \$39? A Yes sir.
- Q Did he tell you he drew it? A Yes sir.
- Q You didn't see him draw it? A No sir.
- Q Do you know what name she could have gone under at that time? A No sir.
- Q What are all the names you have ever heard her called by? A Polly Bruner.
- Q Was she ever called by Polly Crosslin? A Yes sir; and she had another name they called Toocy.
- Q That was her given name? A Kind of nick name was it? A Yes sir.
- Q Was she married to a man by the name of Crosslin? A Yes sir.
- Q Was she ever married to any other man except Bruner and Crosslin to your knowledge? A That's all I know of; I was quite young when I knew her; that was away back on the Canadian river.

Examination by Mr. Hastain:

- Q Was she a slave of a Creek citizen? A Yes sir. Used to belong to a man by the name of William Sullivan.
- Q And he was a Creek citizen? A Yes sir.
- Q Do you know whether or not she belonged to that man at the time that the slaves were freed? A She belonged to them until the war came up and we all come over to Ft. Gibson; she stayed there until after Peace was declared.

By the Commission:

- Q Did she ever belong to anybody after Sullivan? A No sir, they freed them then.



Q What was her owner's name at the time she was set free? A William Sullivan.

By Mr. Hastain:

Q Do you know how old she is now? A No sir, I am not able to tell now; I can't hardly tell my own age; they tell me I am just scratching at 59.

Andrew Sullivan being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Andrew Sullivan.  
Q How old are you? A I don't know my age good; people that belonged to Indians never knew their ages; but just to guess I think I am about 82.  
Q Do you know Polly Bruner? A Yes sir.  
Q How long have you known her? A For about 60 some odd years; may be 70.  
Q How long have you been blind? A About 9 years.  
Q Was Polly Bruner the slave of a Creek citizen? A I think she was; I was a slave and she was my sister; belonged to the same owner.  
Q She belonged to the same man? A Yes sir.  
Q You are a citizen of the Creek Nation? A I think I am.  
Q Have you got your land? A Yes sir.  
Q Are you and Polly full brother and sister? A No sir; one mother and different fathers.  
Q Same mother? A Yes sir.  
Q Did you go out of the Creek Nation during the war? A Yes sir; I have been traveling; I went out the Creek Nation during the war.  
Q How long did you stay out? A I stayed out a good while; I was driving teams for the Government at F. Scott.  
Q How long after the war before you got back here? A Three years I think.  
Q Was Polly Bruner here when you got back? A No sir, she was in Kansas and after I come down here she come down and went back.

The Dunn roll examined and Andrew Sullivan not identified the person

Examination by Mr. Hastain

Q Do you know about whether Polly got the 1890 payment or not? The \$29? (No answer).  
Q You remember when that \$29 was paid out? A Yes sir; I was right in this town then.  
Q Do you remember whether Polly got that money or not? A I don't know whether she got it or not. I heard she got it but I never seen it; they took part of mine.  
Q Do you know who drew the money for her? A No sir, I don't know, I never inquired but I pretty much know who got mine; old man Durant.  
Q What town do you belong to? A Muskabatchee.  
Q What town did Polly belong to? A Same town, but I don't know what town she ~~belonged to~~ got her name in.  
Q Are you enrolled in Arkansas town? A Yes sir by Gabriel; you see they just give it to Gabriel.

~~XXXXXXXXXX-5-~~

- Q Do you know what town they put Polly in? A No sir.  
Q Do you know whether your brother drew money for Polly or not? A Yes sir; John; I heard them say it; I never saw the money.  
Q What town did he belong to? A I can't rightly-- he was a Tuskabatche too and he was sold to old Colonel Cooks, and took his name but I think he was on Arkansas town-- (prompted) it was on the Canadian.  
Q Did you draw the \$14 payment? A Yes sir.  
Q Do you know whether Polly drew that or not? A No; you see I was busy.

Pare Bruner recalled:

(Statement: There is a wrong name coming in there; this is the Polly and that Polly never did went by that name; she is a young woman; that Polly you said married some Grayson there.)

Applicant recalled:

Examination by Mr. Hastain:

- Q Where are you living now? A With my nephew.  
Q Where does he live? A Okmulgee.  
Q What is his name? A Ellis.  
Q Where are you making your home now; where are you going to make your home? A At his house; I aint got no other way.  
Q You are too old to make a living by work, are you? A Somebody has to tend to me just like a child.  
Q Is it your intention to make the Creek Nation your home? A Yes sir; all my kin folks is here and I aint got no children to tend to me.  
Q Have you property of your own? A No sir.

By the Commission:

- Q How long have you been down here from Kansas this time? A I come down here last week.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains.*

Subscribed and sworn to before me this 29 day of September, 1904.

*H. J. Martin*  
Notary Public.

*D. L. 70/3*

No. 674

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Polly Bruner as a Creek Freedman.

SUPPLEMENTAL STATEMENT.

The roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867 examined and the applicant herein not identified thereon.

The Tribal Rolls of the Creek Nation in the possession of the Commission examined and the applicant herein not identified on any of said rolls.

The records of the proceedings of the Colbert Commission in the possession of the Commission examined and it does not appear that application was made to said Commission for the admission of the applicant herein to citizenship in the Creek Nation.

The records of the proceedings of the Commission to the Five Civilized Tribes under authority of the Act of Congress of June 10, 1896 examined and it does not appear that application was made to said Commission for the admission of the applicant herein to citizenship in the Creek Nation.

The records of the Commission show that the Daniel Lucky whose name is found on the Dunn Roll at No. 1363 was listed for enrollment in September, 1898, on Creek Freedmen Card Field No. 612, and that his mother, Polly Lucky, a former slave of Lucinda Bruner, was dead at that time.

  
Commissioner.

Muskogee, Indian Territory,

December 12, 1904.

210.

No. 674

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Polly Bruner as a Creek Freedman:

D E C I S I O N :

The record in this case shows that on August 28, 1904, Polly Bruner appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Creek Freedman. Further proceedings were had December 15, 1904.


The evidence shows that the applicant herein was more than sixty years old at the date of the application herein and that she is not identified on the Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1866.

The evidence further shows that said Polly Bruner has never been enrolled as a citizen of the Creek Nation, nor has she ever been admitted to citizenship in said Nation by the Creek Tribal Authorities. The Commission to the Five Civilized Tribes of the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Polly Bruner as a Creek Freedman and that the application for her enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
J. W. DUNN

  
C. R. ANDERSON  
COMMISSIONER

MUSKOGEE, INDIAN TERRITORY,

COPY.

Creek En 674

Muskogee, Indian Territory, February 4, 1906.

M. L. Mott,  
Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Kelly Bruner as a Creek Freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED

*Tamie Dixey*

Chairman.

JYH-4-49.

Creek 2a 674

Muskogee, Indian Territory, February 4, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Kelly Bruner as a Creek Freedman, including the decision of the Commission, dated February 2, 1906.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

JYM-4-50.

COPY.

Creek 12 674

Muskogee, Indian Territory, February 4, 1908.

Polly Bruner,

Humbolt, Kansas.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

*Tamie Dixby.*

Chairman.

Register.  
JYM-4-47.



Cur:

Check in 276

Muskogee, Indian Territory, February 6, 1908.

E. Hestain,

Attorney for Velly Bruner,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Velly Bruner as a Greek Freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chas. F. Smith.

JYM-6-60.

Muskogee, Indian Territory, June 30, 1908.

The Honorable,  
The Secretary of the Interior  
WASH

June 19, 1908 (I.T.D. 1000-1000), the Department requested the Commission to examine the Creek Tribal Rolls of North Fork Colored Town in its possession and to collect all valuable information shown by its records as to the identity of Polly Bruner, whose name appears thereon, for use in the adjudication of the application for the enrollment of Polly Bruner as a Creek Freedman, (Gr.Nn.674).

Reporting in said matter the Department is respectfully advised that the rolls and records of the Creek Nation in the possession of the Commission and the records of the Commission have been examined and the following information obtained therefrom:

On the 1891 Omitted Roll of the Creek Nation for North Fork Town appear the following names in one family:

- 1 Polly Simpson
- 2 Josie Bruner
- 3 Columbus Bruner
- 4 Rosa Bruner.

In the list of persons admitted to citizenship by the Creek Council October 20, 1890, on page 104 of the Creek Law Book, appear

the following names:

- 1 Columbus Bruner
- 2 Polly Bruner
- 3 Rose Bruner
- 4 Jessie Bruner.

On the 1898 Pay Roll of said Nation appear the following names in one family:

- 1 Silla Hanson
- 2 Josie Bruner
- 3 Colbert Bruner
- 4 Rosie Bruner.

The name Silla has a line drawn through it in red ink, and the name Polly is substituted therefor. This correction was made before the roll came into the possession of the Commission.

The Josie (or Jessie), Columbus (or Colbert) and Rose (or Rosie) Bruner, whose names appear as above set forth on the tribal rolls of the Creek Nation and in the list of persons admitted by the Creek Council to citizenship in said Nation are identified on Creek Freedmen Card Field No. 69, as Josie Bruner, Columbia Bruner and Rose Bruner, and their names are contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, opposite roll numbers 284, 285 and 286 respectively. These persons were listed for enrollment by the Commission in August 1898, and they were identified as the children of the Polly Bruner who was admitted to citizenship by the Creek Council in October 1890.

-3-

It further appears from the records of the Commission that said Polly Bruner was dead at the time her said children, Josie, Columbia and Rose Bruner were listed for enrollment.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

# 674  
I.T.D. 1486, 8193-1905.

L.M. 22, 125.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, August 4, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

February 4, 1905, the Commission to the Five Civilized Tribes transmitted the record of the application of Polly Bruner for her enrollment as a Creek Freedman, including the decision of the Commission dated February 2, 1905, adverse to the applicant.

June 30, 1905, upon request of the Department, the Commission to the Five Civilized Tribes transmitted a further report relative thereto.

February 15, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission dated February 2, 1905, adverse to the applicant be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated February 2, 1905, denying the application of Polly Bruner for her enrollment as a Creek Freedman is hereby affirmed.

Respectfully,

(Signed) Theo. Ryan,

Acting Secretary.

1 inclosure.

**REPORT IN ENVELOPE the following:**

**DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, February 18, 1908.**

**The Honorable,  
The Secretary of the Interior:**

**Sir:**

I enclose a report from the Commission to the Five Civilized Tribes, dated February 4, 1908, transmitting the record of the application, made August 22, 1904, for enrollment as a Creek Freedman by Polly Bruner.

February 8, 1908, the Commission decided adversely to the applicant. The record shows that no prior application has been made; that the applicant was more than sixty years of age at the date of application; that she is not identified on the Dunn Roll, and that she has never been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

**G. F. Harrabee,**

**Acting Commissioner.**

**M. M. M. W.**

✓  
En. 674.

Muskogee, Indian Territory, August 18, 1908.

M. Mastain,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of August 4, 1908, the Secretary of the Interior affirmed the decision, dated February 20, 1908, of the Commission to the Five Civilized tribes denying the application for the enrollment of Polly Bruner as a ~~Creek~~ Freedman.

Respectfully,

Acting Commissioner.



En. 674.

Muskogee, Indian Territory, August 12, 1905.

Felly Bruner,

Humbolt, Kansas.

Dear Madam:

You are hereby advised that under date of August 4, 1905, the Secretary of the Interior affirmed the decision, dated February 20, 1905, of the Commission to the Five Civilized Tribes denying your application for enrollment as a Creek freedman.

Respectfully,

Acting Commissioner.

No. 674.

Muskogee, Indian Territory, August 12, 1905.

M. L. Mott,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of August 4, 1905, the Secretary of the Interior affirmed the decision, dated February 20, 1905, of the Commission to the Five Civilized Tribes denying the application for the enrollment of Polly Bruner as a Creek freedman.

Respectfully,

Acting Commissioner.

CR EN 675

CR EN 675

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 18, 1904.

In the matter of the application for the enrollment of William Adams as a Creek Freedman.

William Adams being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A William Adams.  
Q How old are you? A I don't know sir; about 38 I expect.  
Q What is your post office address? A Bald Hill now.  
Q Do you make application for enrollment as a Creek Freedman? A Yes sir.  
Q What town in the Creek Nation do you claim to belong to? A Canadian.  
Q How long have you lived in the Creek Nation? A This time I have been here about three years.  
Q Where did you come from? A Oklahoma.  
Q How long did you live in Oklahoma? A About 8 years.  
Q Where did you live before that? A Gainesville, Texas.  
Q How long did you live in Texas? A I will have to explain it this way; I come from Texas to start with to this country where my father was; mother said I was about 7 years old then; that time I lived in Texas about 10 years.  
Q Where did you live before that? A Here in the Territory.  
Q In the Creek Nation? A Yes sir.  
Q How long did you live in the Creek Nation at that time? A I come here I was in the Creek nation about 5 years I think.  
Q Where did you live before that? A I was in Texas.  
Q How long did you live in Texas? A About 7 years according to my mother's statement.  
Q Where were you born? A In Texas.  
Q Have you ever drawn any money from the Creek Nation? A No sir.  
Q Have you ever made application anywhere about your citizenship before now? A No sir.  
Q Ever made application to any authority heretofore? A No sir.  
Q Nothing about your citizenship? A No sir.  
Q What is the name of your father? A Moss Thomas.  
Q Is he living or dead? A Dead; I have been told.  
Q How long has he been dead- do you know? A No sir.  
Q Was he a citizen of the Creek Nation? A Yes sir; said to be.  
Q You have been informed so? A Yes sir.  
Q Did he tell you so? A No sir; I was a kid; he didn't tell me anything.  
Q What is the name of your mother? A Julia Thomas.  
Q Is she living or dead? A Dead.  
Q Do you claim she had any rights in the Creek Nation? A No sir.  
Q State woman, was she? A Yes sir.  
Q To what town in the Creek Nation, did your father belong to-- or do you know? A I think from the place he brought me to was called Canadian town; that's my best judgment.

John Rattle being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A John Rattle.

Q How old are you? A I am 67.

Q What is your post office address? A Lee.

Q Do you know William Adams? A Yes sir.

Q How long have you known him? A About 10 or 12 years.

Q Where has he been living during that time? A He has been living he said in Texas. When I know of him up here at Okmulgee about 10 or 12 years.

Q Where has he been living during that time? A At Okmulgee.

Q Have you been seeing him around Okmulgee for the last 10 or 12 years?

A Yes sir.

Q If he says he has been back here just three years he is mistaken, is he? A Well, he might be going backwards and forwards; I knowed him that long.

Q Where did you get acquainted with him? A At Okmulgee.

Q Was that the first time you ever saw him? About 10 or 12 years ago?

A Yes sir; I am not an educated man.

Q Do you know who his father was? A Well, I knew.

Q Do you know who this man's father was? A I know who he said his father was.

Q Did he name the man? A Yes sir.

Q Who? A Mose Thomas; sometimes we used to call him Mose Rattle, nick-name.

Q When did he first tell you that Mose Adams was his father? A About 1 or 2 years ago. He got to inquiring of me about this man; he knowed him.

Q He got to inquiring of you if you knew Mose Adams? A Yes sir, and at the time I couldn't tell who he was cause we used to call him Mose Rattle and he kept on and I got to inquiring myself.

Q Do you know that Mose Adams and Mose Rattle are the same person?

A Yes sir.

Q Is Mose Adams dead? A Yes sir.

Q How long has he been dead? A He might have been dead seven or eight years ago; I can't tell exactly, cause I didn't live right where he was at.

Q How far did you live from him? A Down here; about 20 miles.

Q Did you see him frequently? A Yes, when I came to to going by church I would see him.

Q Did he have a family? A Never had any family here; he was sold to Texas before the war.

Q What time did he come back here? A Just after the war; after the surrender.

Q Did he bring anyone with him? A No sir.

Q Did he ever have a family after that? A No sir.

Q When did he live with? A Lived by himself down here; some times would be with his aunt; stayed around there; just hired about.

Q What is the name of his aunt? A Polly; I don't know her other name; she lived out here about Black Jack.

Q Is she living? A Yes sir.

Q Polly what? A I can't think just what.

Q When did she belong to? A In the first place she used to belong to the same man I did, Yarrow, and from him to an old man, old Deer; she might have her name signed somewhere. I don't know-- might be Polly Hopman.

Q Did she have any children? A Yes sir.

Q What are the names of some of them? A Only two I know.

Q What are their names? A One was Simon Rattle and the other went to war.

Q Is Simon Rattle living? A No sir, dead.

Q How long has he been dead? A I don't know; we used to belong to one family of people.  
Q Did you ever know Rina McGilbra? A Yes sir.  
Q Were she and Polly and kin? A No, not as I know of. Rina belonged to McGilbra and she belonged to Yargee and from Yargee to Deer.  
Q Do you know John Rector? A Yes sir.  
Q Was he any kin to Polly? A Yes sir; her nephew.  
Q Was he any kin to this man, Moss? A Yes sir.  
Q What kin? A Must be second cousins; they are two sisters' children; no--they are brother and sister's children.  
Q Did you ever know Mollie McQueen? A Yes sir.  
Q Is she living or dead? A Dead long time.  
Q Is John Rector living? A Yes sir.  
Q Do you know Mlina Sango? A Yes sir.  
Q Is she any kin to Polly? A His daughter in law.  
Q Whose daughter-in-law? A Polly's.

Henry G. Waine being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Waine.*

Subscribed and sworn to before me this 24 day of September, 1904.

*H. Martin Jr.*  
Notary Public

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T. August 19, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of William Adams as a Creek Freedman.

APPEARANCES: M. L. Mott Attorney for Creek Nation:

JOHN KNOTOR, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A John Knotor.
- Q How old are you? A Well I am about sixty-five.
- Q What is your post office address? A Twins.
- Q Are you a citizen of the Creek Nation? A Yes, sir, bred and born.
- Q How long have you lived in the Creek Nation? A All my days.
- Q Do you know William Adams? A No, sir. I heard talk of him.
- Q You don't know him? A No, sir.
- Q When did you first see him? A This morning. I heard talk of him but didn't lay my eye on him.
- Q Were you ever known by any other name except John Knotor? A No, sir.
- Q You were never called anything else? A No, sir.
- Q Was you a slave? A Yes, sir.
- Q What was the name of your owner? A Elias Knotor.
- Q What is the name of your father? A Ben McQueen.
- Q What was the name of your mother? A Mollie McQueen.
- Q Ever call you John McQueen? A Yes, sir.
- Q I just asked you a while ago if you were ever called by any other name and you said no? A I misunderstood you.
- Q Did you ever know a man by the name of Mose Adams? A Yes, sir. Helped bury him.
- Q When was that? A I can't tell you what time.
- Q Was it during the War? A No, sir.
- Q After the War? A Yes, sir.
- Q How long after? A A good bit after. A little before they surveyed this land off.
- Q Has he been dead as much as ten years? A Not quite.
- Q What town did he belong to? A Canadian. Same town I belong to.
- Q Was he ever called by any other name except Mose Adams? A No, sir. Not to my knowing.
- Q Was Mose Adams taken out of the Creek Nation during the War? A Yes, sir. He was up north.
- Q Who did he belong to? A Poseehola.
- Q Did you understand that he was taken to Texas? A Yes, sir.
- Q Did he come back to the Creek Nation? A After the peace.
- Q Came back after peace did he? A Yes, sir.
- Q How long after? A I couldn't tell you how long after but a good bit.
- Q About how long to your best judgment? A I guess about four years after.
- Q Do you remember as to the making of the Dunn Roll? A Yes, sir.
- Q How long was that after the War? A About four or five years.
- Q Was Mose Adams here when that Roll was made? A I guess he was. I wasn't here when that was made but my name was set down by my father.
- Q You wasn't here but your name was set down by your father? A Yes, sir.
- Q Did Mose Adams have a family after the War? A Not that I know of.
- Q He never had any after he got back in the Creek Nation? A No, sir.
- Q Was he any kin to you? A First cousin.



William Adams--2.

Q Did you have a family when that Dunn Roll was made? A Yes, sir, family and four children.

Q Did Mose Adams ever live in your father's family? A He didn't live in the family but lived near around. Seen him most every Sunday.

Q He never lived in your family? A No, sir but we would see him most every Sunday but after he took sick he stayed in our family and died right there.

Q Did he live by himself? A Yes, sir, altogether.

Q Lived in a house by himself? A By himself. Had everything that a man with a family would want.

The witness is identified on the Dunn Roll at No. 1266, as John McQueen, in the family of Benjamin McQueen. Immediately following his name and in the same family at No. 1267 is found the name Mose Adams. A notation opposite his name states that he died prior to April 1, 1899.

By M. L. Mott:

Q You don't know anything about this applicant do you? A No, sir. Been through here once but I wasn't here.

Q You don't know anything except what he says himself? A That is all.

---00000000---

I, D. C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 12th day of September, 1904.

Edward H. Harrick  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Hunkagon, T. T., August 30, 1904.

SUBSTANTIAL TESTIMONY in the matter of the application for the  
enrollment of William Adams as a Creek Freedman.

THE WIT, being duly sworn, testified as follows:

BY COMMISSIONER:

- Q What is your name? A Bud Neen.  
Q How old are you? A About 30.  
Q What is your post office address? A Hunkagon,  
Q Do you live in the Creek Nation? A Yes, sir.  
Q How long have you lived in the Creek Nation? A All my days.  
Q Do you know William Adams? A Yes, sir.  
Q How long have you known him? A I am knowing him a good while.  
Q Well, to your best judgment? A It is, about as near as I can  
guess at it, about twenty-five years.  
Q Where did you know him then? A Now here now.  
Q About how old did he appear to be at that time? A Looking to me  
---he seemed to be about eighteen or nineteen years old.  
Q How long has it been since you saw him this last time? A It has  
been about twenty years.  
Q Has he been here since then? A I am gone about twenty  
years.  
Q When did you see him the next time? Didn't see him until then.  
Q When did you see him this time? A Day before yesterday.  
Q Did you recognize him as the same person without his telling you  
he was the same person? A Yes, sir. I went up to him and asked  
him his name and he said I had the best of him.  
Q Had you heard that this man, William Adams, was in the country?  
A Yes, sir.  
Q You had not heard it? A No, sir.  
Q Do you know who was the father of William Adams? A Yes, sir.  
Q Who was? A Old man Adams.  
Q What was his given name? A I think they used to call him  
Hunkagon.  
Q When you taken out of the Creek Nation during the War? A Yes,  
sir.  
Q Are you on the Duan Roll? A I don't know. My brother and  
mother and father are on the Roll.  
Q How long did you stay out of the Creek Nation? A I didn't stay  
long. I was a soldier.  
Q You didn't get back until after the Duan Roll was made? I think  
I was here because my father went up to put my name and the other  
children on the Roll.  
Q Did this Hunk Adams go out of the Nation during the War? A Not  
as I know of.  
Q Was he here when you came back out of the army? A Yes, sir.  
Q He was here? A Yes, sir.  
Q You don't know whether he was taken out or not? A No, sir.  
Q Then how long after you got back out of the army before you  
married and settled down? A I tell you what my father told me. He  
said when I married I was 17 or 18 years old.  
Q How far did Hunk Adams live from you when you married? A Well,  
it is about seven miles.  
Q Did you ever live any nearer than that to him? A No, sir.  
Q Never did live any nearer? A No, sir.  
Q Is he any kin to you? A No, sir.  
Q Was he ever about your house any? A Stayed with me a while.  
Q How long? A About a year.

William Adams--2.

Q This man here, who claims to be his son, was he with him when he came to your house? A No, sir, he come to his father.  
Q How long was that after you were married that you moved his father over there? A I guess it was about five years, I guess.  
Q How long did this man, William Adams, stay in the country, then? A I never saw him after that.  
Q You just saw him then at home? A I saw him once or twice there in a store and looked like he was working in there.  
Q You are satisfied that this is the same man? A Yes, sir. I know him. God knows, I know him.  
Q He appeared to be then about eighteen years old? A Yes, sir.  
Q And you say that has been twenty-five years ago? A Close on to it.  
Q Did old man Jose Adams tell you anything about this boy--where he was born? A No, sir.  
Q Tell you who his mother was? A No, sir. Just said this was one of the boys come from Texas he said.

---no 9000 10---

I, Doremus G. Skaggs, on oath state that the above and foregoing is a full, true and correct transcript of my stenographic notes as taken in said court on said date.

Doremus G. Skaggs.

Subscribed and sworn to before me this 15th day of September, 1904.

Edward H. Hottel.  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 20, 1904.

In the matter of the application for the enrollment of William Adams as a Creek Freedman.

John Rector being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A John Rector.  
Q You testified in this case yesterday? A Yes sir.  
Q About when was it that you first saw Mose Adams after the war? A I think it was about thirty some odd years; directly after peace.  
Q Did you live near him? A In sight; we used to live together about as far as that building over there; our houses mighty near joined.  
Q Did he live that near to you for several years? A Yes sir.  
Q Did he have a boy there at that time? A No, sir.  
Q Did you ever hear him say anything about having a family in Texas? A No sir.  
Q You saw him every day, did you? A Yes sir; every Sunday nearly at church.  
Q Did you ever see a boy about his place that he claimed was his son? A No sir.

Betty Rector being duly sworn, testified as follows:

By the Commission:

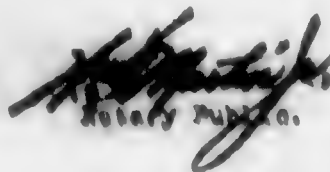
Q What is your name? A Betty Rector.  
Q About how old are you? A Me? I reckon I am about 59.  
Q What is your post office address? A Twine.  
Q Did you ever know a man by the name of Mose Adams? A Yes sir; I know Mose Adams since when I was a girl; let me see; when did they take Mose? He went off time of that Bird Creek fight when the Indians run off from the fight; sold him off.  
Q Did he come back directly after the war? A Yes sir.  
Q Did he live close to you after he came back? A Yes sir; he lived there.  
Q Did he have any family when he lived there? A No sir.  
Q Did he ever have any boy about his place that he claimed was his son? A No sir.  
Q Yes sir; from the time he came back until he died?  
Q Was he his son? A Yes sir, second cousin.  
Q He never had any boy about his place that he claimed was his son? A No sir.  
Q Did he ever have any boy? A No sir; Mose said he had a boy but I never have seen him.  
Q Did he say that boy was born while he was living in Texas? A No sir, I never did hear him say.  
Q Did he say that that boy was born before he came back here? A Its bound to be after because he didn't have none here; we know that; if he had any at all it was born there; if that boy was here today I wouldn't know it.  
Q If he had a boy that had come and lived with him a while you would have known it wouldn't you? A Yes sir.

Q He lived close to you after he came back? A Yes sir.  
Q You saw him often? A Yes sir; every Sunday; he was a man just loved  
to go to church all the time.  
Q And he spoke to you about a boy that he had left when he came back  
here? A Left back there?  
Q Yes. A No sir; he didn't tell me he left any back there; but I  
asked him "Why don't you marry? You ought to marry; you ought not to be  
living alone out-a-way; if you marry you will have some children;  
he said I don't want any; I got a boy".  
Q Was that soon after he came back here after the war? A Yes sir, it  
was a good while; I couldn't tell you exactly how many years, but I am  
satisfied he didn't have no child around in here or we would have heard  
of it.

Henry G. Hines being sworn on his oath states that as stenographer to  
the Commission to the Five Civilized Tribes he reported the above case  
and that this is a full, true and correct transcript of his stenographic  
notes in same.

Henry G. Hines.

Subscribed and sworn to before me this 22 day of September, 1904.

  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William Adams as a Creek Freedman.

Comes now the applicant herein and moves that the above entitled cause be reopened and that a rehearing be had for the following reasons to-wit:

First: Because the name of the applicant's father appears upon the Bur. Roll, but the Commission did not make a statement of this fact in the report.

Second: Because applicant was a minor at the time of the enrollment of his father upon the Durnn Roll, and the status of his citizenship was established by that of his father.

Therefore, Applicant prays that the above entitled cause be reopened in order that the above facts may appear of record.

Exhaustion

Attorney for Applicant.

William Adams being duly sworn, upon his oath says that the statements contained in the foregoing motion are true.

William Adams

Subscribed and sworn to before me this 22 day of June, 1906.

My Com Expires  
Aug 20 / 1908.

Enloe & Vernon

Notary Public.

Received a copy of the foregoing motion accepted this \_\_\_\_\_ day of June

2008

Attorney for Creek Nation.

D. L.

En. 675.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
William Adams as a Creek Freedman.

-: SUPPLEMENTAL STATEMENT:-

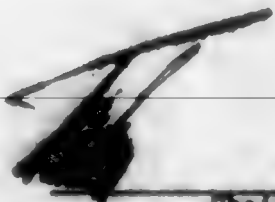
Roll of Creek Freedmen made by J. W. Dunn, prior to March  
14, 1867, examined and the name of William Adams not identified  
thereon.

Tribal Rolls of the Creek Nation in the possession of the  
Commission examined and the name of William Adams not identified  
on any of said rolls.

Records of the proceedings of the Colbert Commission ex-  
amined and it does not appear that the applicant herein ever made  
application to said Commission for admission to citizenship in the  
Creek Nation.

Records of the proceedings of the Commission to the Five  
Civilized Tribes under the Act of June 10, 1896, examined and it  
does not appear that application was made to said Commission for the  
admission of William Adams to citizenship in the Creek Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.

Muskogee, Indian Territory.  
October 11, 1904.



*P. H.*

En. 675.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*P. H.*

In the matter of the application for the enrollment of  
William Adams as a Creek Freedman.

-: D E C I S I O N :-


The record in this case shows that on August 16, 1904, William Adams appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Creek Freedman. Further proceedings were had on August 19, and August 20, and October 11, 1904.

The evidence shows that said William Adams was born prior to the making of the Roll of Creek Freedmen, made by J.W.Dunn prior to March 14, 1867, and that his name is not identified on said roll.

It does not appear from the evidence that said William Adams has ever been enrolled as a citizen of the Creek Nation, nor does it appear that he has ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is therefore, the opinion of the Commission that there is no authority of law for the enrollment of said William Adams as a Creek Freedman, and that the application for his enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory.

NEW  
Grook No 675

Muskogee, Indian Territory, January 13, 1906.

William Adams,

Bald Hill, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Grook Freedman.

The decision, with a copy of the proceedings had in this case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

JY-13-64.

*Pr*  
Creek En 675

Muskogee, Indian Territory, January 13, 1906.

M. L. Mott,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of William Adams as a Creek Freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYM-13-85.

Creek En 575

Muskogee, Indian Territory, January 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of William Adams as a Creek Freedman, including the decision of the Commission of January 4, 1905.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

JYM-13-86.

Received	Book	Page
Jan 26 1906		

Indian Office,  
 Larrabee,  
 Washington, D.C.  
 Jan. 21, 1906

That decision in  
 the Freedman case of  
 William Adams be forwarded.

INDIAN AFFAIRS  
 DEPARTMENT  
 WASHINGTON, JANUARY 31, 1906.

Department of the Interior

Five Quatted Pipes  
 and  
 one of material of the

Shoshone Indian Territory.

Contents:

Under date of January 18, 1902, you transmitted the  
 record of Greek Freedman enrollment case (Greek No. 632) of  
 William Adams not omitted to forward therewith, your decision.  
 Please forward your decision in this case at an  
 early date.

Very respectfully,

(Signature)

Very respectfully,



En. 676.

Muskogee, Indian Territory, January 27, 1906.

The Honorable,  
The Secretary of the Interior.

Sir:-

There is herewith transmitted the decision of the Commission, dated January 4, 1906, in the matter of the application for the enrollment of William Adams as a Creek Freedman.

It is respectfully requested that said decision be attached to the record heretofore transmitted.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

ZEP-13.



V C P

DEPARTMENT OF THE INTERIOR,  
Washington.

I.T.D.1310-1905  
L R S

April 10, 1905

Commission to the Five Civilized Tribes,  
Muskegee, Indian Territory.

Gentlemen:

January 13, 1905, you transmitted the record in the matter of the application for the enrollment of William Adams as a Creek Freedman, including your decision of January 4, 1905, rejecting said application.

Reporting February 4, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan  
Acting Secretary

1 inclosure

Refer in reply to the following:

Land  
8658-1905  
4269-1905

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, February 4, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 13, 1905, transmitting the record of the application, made August 18, 1904, for the enrollment as a Creek Freedman by William Adams.

January 4, 1905, the Commission decided adversely to the applicant.

The record shows that no prior application has been made; that the applicant was born prior to the making of the Dunn Roll and that his name is not identified thereon, and that he has never been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C F Larrabee

Acting Commissioner

MMH  
V

RECEIVED  
TAMM BERRY,  
THOMAS A. BEEPLER,  
C. R. BRICKENRIDGE,  
WM. C. BRALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*D. H.*

RECEIVED BY THE COMMISSIONER
Cr. No. 878.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 21, 1905.

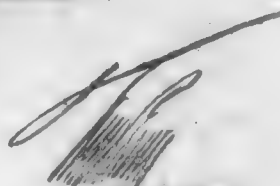
WILLIAM Adams,

Bald Hill, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of April 10, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1905, denying your application for enrollment as a Creek Freedman.

Respectfully,

  
Chairman.

P. H.

Cr. En. 676.

Muskogee, Indian Territory, April 21, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of April 10, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1905, denying the application for the enrollment of William Adams, as a Creek Freedman.

Respectfully,

Chairman.

Gr.No.675.

Mustagee, Indian Territory, July 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of April 10, 1906, (I.T.D.1310-1906), affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1906, denying the application for the enrollment of William Adams, as a Creek freedman.

There is inclosed herewith motion to reopen said case filed with this office June 26, 1906.

The statements set forth in said motion as grounds for reopening differ in no material respect from the evidence previously submitted and upon which said decision of the Commission was based.

The act of Congress approved April 26, 1906 (Public No. 129), provides in part as follows:

Secretary 2.

"That the approved roll of Greek freedmen shall include only those persons whose names appear on the roll prepared by J. V. Dunn, under authority of the United States prior to March fourteenth, eighteen hundred and sixty seven, and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Greek Nation subsequent to the date of the preparation of said roll, and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior."

The Assistant Attorney General for the Department in an approved opinion dated May 31, 1906, in the matter of the application of Prissie Garruthers for enrollment as a Greek freedman (a case analogous to that of William Adams), referring to the above provision of law, states: "Congress has now made the Dunn roll final and conclusive as to all applicants of this class, whose enrollment has not been approved by the Secretary of the Interior."

In view of the above provisions of law and of the opinion of the Assistant Attorney General referred to, I am of the opinion that said William Adams is not entitled to be enrolled as a Greek freedman and respectfully recommend that said motion to reopen be denied.

Respectfully,

Through the  
Commissioner of Indian Affairs.

  
Commissioner.

Refer in reply to the following:  
Land: 27929-1905  
64383-1906.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, August 29, 1906.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of April 10, 1905, (I.T.D.1310-1905), affirming a decision of the Commission to the Five Civilized Tribes denying the application of William Adams for enrollment as a Creek freedman, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated July 23, 1906, enclosing a motion to reopen and rehear the above case. The Commissioner recommends that the motion be denied.

The record in the case is enclosed herewith.

Very respectfully,

F.E. Leupp,

Commissioner.

EWE-LC.



I.T.D. 15410-1906.

JFJr. LLB.LRS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, October 24, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On August 29, 1906 (Land 64383), the Indian Office transmitted your report dated July 23, 1906, in reference to a motion for rehearing filed in the matter of the application of William Adams for enrollment as a Creek Freedman.

You recommend that said motion be denied.

In view of the act of Congress approved April 26, 1906 (34 Stat., 137), and an approved opinion of the Assistant Attorney-General dated May 31, 1906, in reference to the application of Prissie Carruthers for enrollment as a Creek Freedman, it is apparent upon a consideration of the record in the case that this applicant is not entitled to enrollment. Said motion is hereby denied.

The papers in the matter have been sent to the Indian Office for its files. A copy of said office letter is inclosed.

Respectfully,

E.A.Hitchcock,

Secretary.

Through the Commissioner of Indian Affairs.  
1 inc. and 4 to Ind.Of.

Muskogee, Indian Territory, November 2, 1906.

William Adams,

Bald Hill, Indian Territory.

Dear Sir:

You are hereby advised that under date of October 24, 1906, the Department denied motion for review filed June 25, 1906, in the matter of the application for the enrollment of yourself as a Creek Freedman.

Respectfully,

Commissioner.

Ex 675

Muskogee, Indian Territory, November 2, 1906.

E. Hastain,  
Attorney at Law,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of October 24, 1906, the Department denied motion for review filed June 25, 1906, in the matter of the application for the enrollment of William Adams, as a Creek Freedman.

Respectfully,

Commissioner.

En 675

Muskogee, Indian Territory, November 2, 1906.

H. L. Mott,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of October 24, 1906, the Department denied motion for review filed June 25, 1906, in the matter of the application for the enrollment of William Adams, as a Creek Freedman.

Respectfully,

Commissioner.

CR EN 676

CR EN 676

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
~~EXHIBIT~~, I.T. JULY 2, 1904.  
KUPAULA

In the matter of the application for the enrollment of Jemima and George Bird as citizens of the Creek Nation.

Tamissa Bird being duly sworn testified as follows through Lewis McGillbra, sworn interpreter:

Examination by the Commission:

- Q What is your name? A Tamissa; she thinks she was filed under her father's name; Tamissa Thomas.
- Q What is your name now? A Tamissa Bird.
- Q What is your age? A Over twenty years old but can't tell just what it is.
- Q What is your post office address? A Kufaula.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q What town do you belong to? A Kufaula Canadian.
- Q Are you the mother of Jemima Bird? A Yes.
- Q Where is Jemima? Is she living or dead? A There she is in that cradle.
- Q When was Jemima born? A Don't know; can't say just when; it was born in August but can't tell just how old it is; the baby is awful small; been sickly all the time.
- Q How many years old will Jemima be this coming August? A Don't know; she knows its over two years old but can't tell just how old it is.
- Q Have you a record anywhere of the date of the birth of Jemima?
- A No sir.
- Q Have you heretofore executed a birth affidavit in the matter of the birth of Jemima? A No sir.
- Q Are you the mother of George Bird? A Yes sir.
- Q When was he born? A Don't know that either but he is older than Jemima.
- Q How much older? A She says she wont be positive but thinks its two years older.
- Q About how old was George when Jemima was born? A It must have been two or three years.
- Q Where is George? A He is dead.
- Q How old was he when he died? A He was nothing but a baby when he died; just a little over a week old.
- Q Was he more or less than a week old? A Might be more or less.
- Q Was he two weeks old when he died? A Might have been; can't tell just exactly.
- Q How many days old was he to your best recollection? A Don't know; that; can't remember it at all.
- Q What month was he born? A She believes it was in June.
- Q What year? A Don't know what year it was.
- Q How many years ago? A Don't know th t even; it has been a long time since he died.
- Q Who would be able to tell the dates of the birth and death of George? A Don't knew as there's anyone else; might refer you to her father.
- Q Would anyone else be able to tell the date, of the birth of Jemima?
- A Her father's wife might be able to tell you.

- Q Who was the father of Jemima and George? A That man sitting over there.
- Q What is his name? A Sunny Bird.
- Q Is he a citizen of the Creek Nation? A Seminole.
- Q Has application ever been made to the Commission for the enrollment of these children, or either of them, as citizens of the Seminole Nation? A No sir.
- Q Jemima is living, isn't she? A Yes sir.

Sunny Bird being called and sworn testified as follows through Lewis McGilbra, sworn interpreter:

Examination by the Commission:

- Q What is your name? A Sunny Bird.
- Q How old are you? A Think I am about 28 years old.
- Q What is your post office address? A Eufaula.
- Q Are you a citizen of the Creek Nation? A No sir.
- Q Citizen of the Seminole Nation? A Yes sir.
- Q Have you been enrolled and received an allotment in the Seminole Nation? A Yes, in the Seminole Nation.
- Q Are you the father of George Bird? A Yes sir.
- Q When was George Bird born? A Don't know sir.
- Q What month was he born? A Don't remember.
- Q Do you remember what year he was born? A Don't know that.
- Q How many years ago since George was born? A It must be five years and maybe ~~few~~ more.
- Q How long did George live? A Must be somewhere in the neighborhood of two weeks.
- Q Do you know the exact number of days? A No sir.
- Q Are you the father of Jemima Bird? A Yes sir.
- Q When was Jemima born? A In August.
- Q What year? A Can't tell.
- Q How old will Jemima be next month? A Can't tell only that it must be over two years.
- Q How old was George when Jemima was born; how long before Jemima was born was George born? A It might have been two years.
- Q What is your best judgment in the matter? A Two years.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Subscribed and sworn to before me this 14 day of July, 1904.

*Henry G. Hains*  
*Charles D. Sawyer*

Notary Public.



Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, I. T., July 5, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Jemima and George W. Bird as citizens by blood of the Creek Nation.

LYDIA THOMAS, being first duly sworn, testified as follows:

By the Commission.

- Q What is your name? A Lydia Thomas.  
Q What is your age? A I was twenty-eight last January.  
Q What is your post office address? A Muskogee, I. T.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q What town do you belong to? A Muskogee.  
Q Do you know Tumasee and Sunny Bird? A Yes, sir.  
Q Did they have a child named Jemima Bird? A Yes, sir.  
Q Was that a boy or a girl? A Girl.  
Q When was Jemima born? A Born in the summer of--in August, 16th, I think.  
Q Do you know what year? A In 1901, I believe it was.  
Q Have you a child about the same age? A Yes, this one was born August 23, 1900, though.  
Q What is the name of your child born in August 23, 1900? A Emily Thomas.  
Q Was Jemima born the next year? A Yes, sir.  
Q Jemima, then, is a year younger than Emily, is she? A Yes.  
Q Did you know a child of Tumasee and Sunny Bird by the name of George W.? A Yes, sir; he was born June 8, 1898.  
Q How do you recollect the date of his birth? A Why I put it down on a paper. I have the dates of their birth.  
Q Have you a record at home now? A I haven't got that one, but I have all the rest of them though.  
Q Do you know how long George lived? A He lived, I believe, nearly two weeks; may be a little over.  
Q Did he live a month? A No, not quite that long.  
Q Have you a record of the date of the birth of Jemima? A Yes, sir; it was on the 16th of August.  
Q Have you a book or a paper with the date down on? A I did have it at home.  
Q Have you still got it? A I don't know; my old papers are thrown around so much though, I don't know; it was on the 16th, though.  
Q Of August? A Yes, sir.  
Q A year after Emily was born? A Yes, sir.  
Q You were living close to Tumasee and Sunny Bird when those children were born, were you? A Yes, sir; George was born in my house.  
Q You were raised by white people, were you not? A Yes, sir.

Oliver C. Hinkle, being duly sworn, upon his oath as stenographer for the Commission to the Five Civilized Tribes, states that he reported the proceedings had in the above entitled cause on July 5, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

*Oliver C. Hinkle*

Subscribed and sworn to before me this 12th day of July, 1904, at Muskogee, Indian Territory.

*My Comm. expires Apr. 10, 1907.*

*L. P. McInerney*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., July 6, 1904.

WITNESSES: WITNESSES in the matter of the application for the  
enrollment of George W. Bird as a citizen of the Creek Nation.

Nancy Scott, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Nancy Scott.  
Q What is your age? A About 40.  
Q What is your post office address? A Muskogee, I. T.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q Do you know Tennessee Bird, a daughter of Harley Thomas? A Yes, sir.  
Q Did she have a child named George W. Bird? A Yes, sir.  
Q Did you wait on her as mid-wife when that child was born? A Yes, sir.  
Q Did you make a record of the date of George's birth? A Yes, sir.  
Q Will you show me the record? A There it is.

Witness presents a book in which is written various  
notes, accounts, dates of births and dates of deaths etc. Some  
of the leaves have been lost. On one page are the following  
notes, written in pencil as follows:

George W. Bird Born May 12, 1900.  
George W. Bird died July 30-1901  
Jemima Bird Born Apr. 20, 1902.  
Samson Thomas 30 Sept.  
Tody Thomas died Mar. 13.

- Q When was this entry in regard to the birth of George Bird made do  
you remember? A No, sir, I don't know when it was made.  
Q When was the entry in regard to his death made, do you remember  
that? A No, sir, I don't remember.  
Q Did you wait on Tennessee when Jemima was born? A No, sir, I was  
there when the boy was born but I wasn't there when the girl was born  
Q When did you make this entry in regard to the death of Tody Thomas  
A I don't know that either.  
Q What is your best recollection regarding the birth of George Bird?  
A Harley came here away in the night and wanted to have the best  
Midwife woman and I told him that Maggie Sullivan was the best doc-  
tor and after he went back I wanted to go and see how she was and we  
went up there and there was a good many Indians up there and we  
stayed until it was born.  
Q Do you remember what year or date that was? A No, sir.  
Q You don't remember when you made that entry in regard to the birth  
of George? A No, sir.

U. G. Skates, on oath, states that the above and foregoing is a  
full, true and correct transcript of his stenographic notes as taken  
in said cause on said date.

Subscribed and sworn to before me this 11th day of July, 1904.

(Seal)

*U. G. Skates*

Oliver C. Hinkle

Notary Public.

My Com Expires June - 1908

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Okmulgee, I. T., October 11, 1904.

Nn. 522.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Jemima and George Bird as citizens by blood of the Creek Nation.

HARLEY THOMAS, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

- Q What is your name? A Harley Thomas.  
Q How old are you? A About 52.  
Q What is your post office? A Eufaula.  
Q Are you the Town King of Eufaula Canadian Town? A Yes, sir.  
Q Do you know Timmissa Bird? A Yes, sir, she is my daughter.  
Q Has she a child named Jemima? A Yes, sir.  
Q How old is that child? A I think the child is nearly four years old.  
Q What month was she born in? A In August.  
Q Were you a member of the Creek Council when the first treaty was passed? A No, sir. I was a member prior to that time.  
Q Was Jemima born before that treaty was passed or after? A I think she was a baby at that time.  
Q Did Timissa have a child named George? A That was her first baby.  
Q That child is dead is it? A Yes, sir.  
Q How old was it when it died? A It died about four months after it was born.  
Q Timissa said in her testimony that George was just a little over a week old when he died? A She was evidently mistaken because I am quite positive that the child was about four months old when it died. He was born in the early part of August.  
Q George was born in August? A Yes, sir, I refer to George.  
Q In what year was George born? A I cannot say as to that.  
Q How many years has it been since he was born? A I can't say.  
Q How much older was he than Jemima? A About two years I think.  
Q Was George born before the Creek Land Office opened or after? A I am not certain as to that but I think George was born prior to the opening of the Creek Land Office.

-----;0:-----

I, D. C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

*D. C. Skaggs*

Subscribed and sworn to before me this 11 day of Nov, 1904.

*Charles H. Sawyer*  
Notary Public.

C 676

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Eufaula, I. T., April 4, 1905.

In the matter of the application for the enrollment of Yardeka and Jemima Byrd as citizens of the Creek Nation.

TAMISA BYRD, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Tamisa Byrd.  
Q How old are you? A About twenty-five.  
Q What is your post office address? A Eufaula.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q To what town do you belong? A Eufaula Canadian.  
Q Do you make application for the enrollment of your minor children, Yardeka and Jemima Byrd, as citizens by blood of the Creek Nation?  
A Yes, sir.  
Q What is the name of the father of these two children? A Sunny Byrd.  
Q Is he a citizen of the Creek Nation? A No, sir, he is a Seminole.  
Q Is he your lawful husband? A yes, sir.  
Q If it should be found that your children, Yardeka and Jemima Byrd, are entitled to be enrolled in either the Creek or Seminole Nations in which nation do you desire them enrolled? A In the Creek Nation.

---ooo000ooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 21 day of July, 1905.

*D. C. Skaggs*  
*J. M. Demmitt*  
Notary Public.

En. 522.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of  
Jemima and George Bird as citizens by blood of the Creek Nation.

DECISION.

The record in this case shows that on July 2, 1904, Jemima Bird appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor children, Jemima Bird and George Bird, deceased, as citizens by blood of the Creek Nation. Further proceedings in the matter of said application were had July 8, July 9, and October 11, 1904.

The application for the enrollment of George Bird is the only one considered in this decision.

The evidence shows that said George Bird was born prior to May 25, 1901; that he died prior to the date of the application herein and that he was not living April 1, 1900, July 1, 1900 or May 25, 1901.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said George Bird, deceased, as a citizen by blood of the Creek Nation, and that the application for his enrollment as such, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
C. R. Perkins  
COMMISSIONER

Muskogee, Indian Territory,  
JUN 14 1905

*Mother 28762*

277

IN RE **2471**  
Application for Enrollment of  
INFANT CHILD

*Jemima Byrd*  
as a citizen of

*Chick* Nation.

Approved **SEP 1 1905** 190

*[Signature]*  
Commissioner.

*En 522*

COMMISSIONER

APR 7 - 1905

*[Signature]*  
CHAIRMAN

*Book 2. B 676*



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the

*Creek*

Nation.

*Jamima Byrd*  
(Here insert name of child.)

born on the *16* day of *August*, 19*02*

Name of Father: *Danny Byrd*

a citizen of the *Seminole* Nation.

Name of Mother: *Jamima Byrd*

a citizen of the *Creek* Nation.

*Infants Canadian*

Parents: *Infants, Ind. 20.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,

*Western*

DISTRICT.

*Child in present*

I, *Jamima Byrd*

, on oath state that I am *about 25*

years of age and a citizen by *blood*, of the

*Creek*

Nation;

that I am the lawful wife of *Danny Byrd*

, who is a citizen, by

*blood*

, of the

*Seminole*

Nation; that a *female* child was

(Male or Female.)

child was

born to me on *16* day of *August*

, 19*02*; that said child has been named

*Jamima Byrd*

, and was living March 4, 1905.

WITNESSES TO MAKE:

*Jamima Byrd*  
her mark

(Must be Two Witnesses.)

*W. Skaggs*

Subscribed and sworn to before me this

*4* day of

*April*

, 190*5*.

*Dreman C. Skaggs*  
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,

*Western*

DISTRICT.

I, *Lucy Wesley*

, a *midwife*

, on oath state that I

attended on Mrs. *Jamima Byrd*

, wife of

*Danny Byrd*

on the *16* day of *August*

, 190*2*; that there was born to her on said date a *female*

(Male or Female.)

child; that said child was living March 4, 1905, and is said to have been named

*Jamima Byrd*

WITNESSES TO MAKE:

*Lucy Wesley*  
her mark

(Must be Two Witnesses.)

*W. Skaggs*

Subscribed and sworn to before me this

*4* day of

*April*

, 190*5*.

*Dreman C. Skaggs*  
Notary Public



9

IN RE

Application for Enrollment of

INFANT CHILD

*Jammie R. R.*

as a citizen of the

*Creek* Nation.

Approved *100*

Commissioner.

*Mar 1903*

Born April 20, 1902  
Not entitled

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**

*Jan 20 1903*

*[Signature]* ACTING CHAIRMAN

# DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In An Application for Enrollment, as a citizen of the Creek Nation,  
 of Jessie Bird, <sup>Age of person as given</sup> born on the 12 day of April, 1901.  
 Name of Father: Samuel Bird, a citizen of the Samuel Nation.  
 Name of Mother: Temora, a citizen of the Leach Nation.  
 Post-Office: Confork

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, )  
 INDIAN TERRITORY, )  
 Western District. }

1. Temora Bird, on oath state that I am about 26 years of age and a citizen, by Blood, of the Leach Nation; that I am the lawful wife of Samuel Bird, who is a citizen, by Blood, of the Samuel Nation, that a girl child was born to me on the 12 day of April, 1901; that said child has been named Jessie Bird, and is now living.

WITNESSED TO MARR: Temora Bird  
 (Must be Two) { Hortley Thomas  
 Witnesses { William Riley

Subscribed and sworn to before me this 19 day of January, 1903.  
Washington  
 Notary Public.

My Comm. expires July 6th, 1906.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, )  
 INDIAN TERRITORY, )  
 District. }

1. No Physician or midwife attended, on oath state that I attended on Mrs. \_\_\_\_\_, wife of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 1903; that there was born to her on said date a \_\_\_\_\_ child; that said child is now living and is said to have been named \_\_\_\_\_.

WITNESSED TO MARR: \_\_\_\_\_  
 (Must be Two) { \_\_\_\_\_  
 Witnesses { \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1903.  
 \_\_\_\_\_  
 Notary Public.

IN RE

Application for Enrollment of

INFANT CHILD

*Jemima Bird*  
as a citizen of

*Creek* Nation.

Approved..... 190

*[Signature]*  
Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**

*Feb 17 1903*

*[Signature]*  
ACTING CHAIRMAN

NEW BORN *Creek #676*

*2471 B*

*71130*

*676*

## DEPARTMENT OF THE INTERIOR,

COMMISSIONER OF THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,  
 of Jemima Bird, Jr. (Here insert name of child), born on the 20 day of April 1902  
 Name of Father: Summie Bird a citizen of the Seминоle Nation.  
 Name of Mother: Jimmie Bird a citizen of the Creek Nation.  
 Post-office Enfauka, Ind. Ter

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
Western District.

I, Jimmie Bird, on oath state that I am 25 years of age and a citizen, by blood, of the Creek Nation;  
 that I am the lawful wife of Summie Bird, who is a citizen, by blood, of the Seминоle Nation; that a female child was born to me on 20 day of April 1902; that said child has been named Jemima Bird, and is now living.

WITNESSES TO MARK:

Must be Two Witnesses

Subscribed and sworn to before me this 26 day of Jan 1903

My Commission Expires July 6th, 1903.

NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE, OR ACQUAINTANCE

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
Western District.

I, Rose Wesley, a midwife, on oath state that I attended on Mrs. Jimmie Bird, wife of Summie Bird, on the 20 day of April 1902, that there was born to her on said date a female child; that said child is now living and is said to have been named Jemima Bird.

WITNESSES TO MARK:

Must be Two Witnesses

Subscribed and sworn to before me this 26 day of Jan 1903

My Commission Expires July 6th, 1906.

NOTARY PUBLIC.

Mother I 8762

NR-C

217

IN RE 1747

Application for Enrollment of  
INFANT CHILD

Gah deka By  
as a citizen of

Chuc

Nation.

SEP 1 1905

Approved

190

Commissioner.

APR 7 1906

NEW BORN

Creek # 676

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, IN A STATE OF THE

*Galadeta Byrd* , born on the *28* day of *August* , *1904*  
Name of Father: *Sammy Byrd* , a citizen of the *Sequoyah* Nation;  
Name of Mother: *Samira Byrd* , a citizen of the *Sequoyah* Nation;  
*Galadeta Byrd* , born *Byrd* , *Se* , *Ind*

AFFIDAVIT OF MOTHER.

STATE OF AMERICA, INDIAN TERRITORY,  
*Hinton* District. *Child is present*  
I, *Samira Byrd* , do hereby state that I am *about 25*  
years of age and a citizen by *blood* , of the *Sequoyah* Nation;  
that I am the lawful wife of *Sammy Byrd* , who is a citizen, by  
*blood* , of the *Sequoyah* Nation; that a *male* child was  
(date of birth.)  
born to me on the *28* day of *August* , *1904* , and was living March 4, 1905.  
*Galadeta Byrd* , and was living March 4, 1905.

WITNESSES TO MARK:

*Samira Byrd*  
(Mark with X)  
Subscribed and sworn to before me this *4* day of *April* , 1905.  
*Emmanuel C. Shryver*  
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
*Hinton* District.  
I, *Lacy Hickey* , do hereby state that I  
attended on Mrs. *Samira Byrd* , wife of *Sammy Byrd* ,  
on the *28* day of *August* , *1904* , and that there was born to her on said date a *male*  
(date of birth.)  
child; that said child was living March 4, 1905, and is said to have been named *Galadeta Byrd* .  
*Lacy Hickey*  
WITNESSES TO MARK:  
(Mark with X)  
Subscribed and sworn to before me this *4* day of *April* , 1905.  
*Emmanuel C. Shryver*  
Notary Public

Cr. No.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
of George Bird as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on July 2, 1904, Tamiea Bird appeared before the Commission to the Five Civilized Tribes at Eufaula, Indian Territory and made application for the enrollment of her minor child George Bird as a citizen by blood of the Creek Nation. That further proceedings were had in the matter of said application on July 5, 1904, July 8, 1904 and October 11, 1904. That on June 14, 1905, the Commission to the Five Civilized Tribes rendered a decision in the matter of said application denying the same, and on September 16, 1905, (I.T.D. 8826-1905) the Department reopened the matter of said application and directed further testimony to be taken in relation thereto. Further testimony in the matter of said application was taken at Eufaula, Indian Territory on August 21, 1906.

The evidence shows that said minor applicant is the son of Tamiea Bird, who is identified upon the authenticated 1890 tribal roll of the Creek Nation, Eufaula Canadian Town, as Tomasa, and also upon the 1895 pay roll at Eufaula Canadian Town, and whose name appears as Tumsey Thomas on the partial roll of Creek Indians by blood approved by the Secretary of the Interior March 28, 1902, opposite number 8762, and of Sunny Bird, who is a citizen of the Seminole Nation.

The evidence as to the date of the birth of George Bird is conflicting and rather uncertain. The most accurate testimony seems to be that of Lydia Thomas, who testified in this case on July 5, 1904 and on August 21, 1906. From her testimony it would appear that the said George Bird was born either in June or July, 1899, and that he lived but a few weeks.

The weight of the evidence seems to be in corroboration of the said testimony.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of George Bird as a citizen of the Creek Nation and the application for his enrollment as such is accordingly denied.



COMMISSIONER.

Muskogee, Indian Territory.

JAN 31 1907



B.A. 10.

Muskogee, Indian Territory, September 18, 1903.

Tammes Bird,

Wufaula, Indian Territory.

Dear Madam:

There are on file with the Commission affidavits executed by you relative to the birth and death of George W. Bird, who, it is claimed, was a citizen of the Creek Nation. It is desired that testimony be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

COMMISSIONER,  
SAND SPRING,  
TERRITORY OF OKLAHOMA  
C. A. HARRINGTON  
—  
W. H. A. SMALL,  
Secretary

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*A. C. A.*

RECEIVED AT SAND SPRING, OKLAHOMA
OF MR. SMALL.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 27, 1906.

Tamissa Bird,

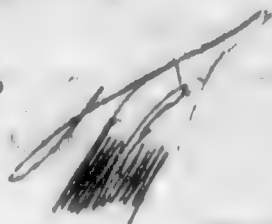
Mufaula, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, George Bird, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Chairman.

Register  
EM-C-27-36.

NO. 676.

Muskogee, Indian Territory, July 15, 1905.

Chief Clerk,  
Seminole Enrollment Division,  
Muskogee, Indian Territory.

Dear Sir:

April 7, 1905, application was made to the Commission to the Five Civilized Tribes for the enrollment of Yardeka Byrd, born August 28, 1904, and Jemima Byrd, born August 18, 1902, as citizens by blood of the Creek Nation. It is stated in said application that the father of said children is Sunny Byrd, a citizen of the Seminole Nation, and that the mother is Tamiea Byrd, identified as Tumsey Thomas, a citizen of the Creek Nation.

You are requested to inform the Creek Enrollment Division as to whether application has been made for the enrollment of said children as citizens of the Seminole Nation, and if so, what disposition has been made of the same.

Respectfully,

Commissioner.

676

2

21

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Waskagee, Indian Territory, July 19, 1905

Chief Clerk,

Creek Enrollment Division.

Dear Sir:

Receipt is acknowledged of your letter of July 15, 1905 (NC-676) stating that application was made to the Commission to the Five Civilized Tribes for the enrollment of Yardeka Byrd, born August 28, 1904, and Jemima Byrd, born August 16, 1902, children of Sunny Byrd, a citizen of the Seminole Nation, and Tamissa Byrd, identified as Tumsey Thomas, a citizen of the Creek Nation, as citizens by blood of the Creek Nation and requesting to be informed as to whether application was made for the enrollment of said children as citizens of the Seminole Nation.

In reply to your letter you are advised that it does not appear from an examination of the records of this office that application was made for the enrollment of the said Yardeka Byrd and Jemima Byrd as citizens of the Seminole Nation.

Respectfully,



Commissioner.

I.T.D.8826-1905  
LRS

DEPARTMENT OF THE INTERIOR,  
WASHINGTON D. C.

FILE OR

September 16, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

June 27, 1905, the Commission to the Five Civilized Tribes transmitted the record of the application of Tamissa Bird for the enrollment of her minor children, George Bird (deceased) and Jemima Bird, as citizens by blood of the Creek Nation, including the decision of the Commission dated June 14, 1905, adverse to the enrollment of George Bird (deceased) and omitting, for no reason apparent in the record, to pass on the right to enrollment of Jemima Bird, whose application was consolidated therewith.

The enrollment of George Bird (deceased) was denied on the ground "that said George Bird was born prior to May 25, 1901, that he died prior to the date of the application herein, and that he was not living April 1, 1899, July 1, 1900, or May 25, 1901." The evidence is clear that said George Bird (deceased) was born either in the month of May or June and lived only about two weeks, or at most a month, and died prior to the application made for his enrollment (July 2, 1904). Jemima, the younger child, was born in the month of August and there is a difference of about two years between the ages of the two children.

It is impossible to determine from the conflicting evidence in the case whether George Bird (deceased) was living April 1, 1899, July 1, 1900, or May 25, 1901.

1 V Y

Tamissa Bird, mother of said children, and Nancy Scott, who claims to have been the midwife when George Bird was born, fixed the date of birth of George Bird as May 12, 1900, and the date of his death as July 30, 1901, showing that said child was living July 1, 1900, yet as said child lived only about two weeks, according to their testimony, one of the above dates must be wrong. The father, Sunny Bird, testified on July 2, 1904, that said child George was born five years ago and may be more (about 1899), and Harley Thomas (father of Tamissa Bird, the mother), testified that said child George " was born prior to the opening of the Creek land office" (April 1, 1899), while Lydia Thomas claims that the said child George was born in her house June 5, 1898.

Such testimony, if accepted, tends to show that said child George was living on April 1, 1899. Nancy Scott, the midwife, who testified from a record memoranda, stated that she did not know when the entries therein were made.

It is impossible to determine from the record, as it now stands, the year in which said child died, whether he was living April 1, 1899, July 1, 1900, or May 25, 1901. The record is remanded to you with instructions to reopen the case and secure additional evidence with the view to fixing the date of the death of George Bird (deceased).

You are directed upon a rehearing of said case to determine the right to enrollment of Jamima Bird as a citizen by blood of the Creek Nation, and submit your decision thereon with your readjudication in the case of George Bird (deceased) returned herewith.

Respectfully,

Thos Ryan

Acting Secretary

Through the

Commissioner of Indian Affairs

OF IN 022

Muskogee, Indian Territory, September 25, 1906.

Tennessee Bird,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that under date of September 16, 1906, the Department reopened the matter of the application made by you for the enrollment of your minor child, George Bird (deceased), as a citizen of the Creek Nation, and directed that you be given an opportunity to submit further testimony in said case tending to show the exact dates of the birth and death of said George Bird (deceased).

You are accordingly notified that said case is set for re-hearing October 16, 1906, at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

Register.



Or En 522

Muskogee, Indian Territory, September 25, 1905.

M. L. Hott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that under date of September 16, 1905, the Department reopened the matter of the application made by Lemise Bird for the enrollment of her minor child, George Bird (deceased), as a citizen of the Creek Nation, and directed that she be given an opportunity to submit further testimony in said case tending to show the exact dates of the birth and death of said George Bird (deceased).

You are accordingly notified that said case is set for rehearing October 16, 1905, at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

INDEXED

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Posey, Alex,  
Calvin, I. T.,  
Chootaw Nation,  
August 31, 1906.

Transmits testimony in re  
enrollment of George W. Bird,  
deceased.

CREEK ENROLLMENT.

REFERS IN REPLY TO THE FOLLOWING:

No. 522.

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Calvin, Indian Territory, August 31, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith testimony taken by the  
Creek Field Party August 21, 1906, in the matter of the appli-  
cation for the enrollment of George W. Bird, deceased, as a  
citizen by blood of the Creek Nation, together with copies of  
testimony heretofore taken, and other papers in relation to  
said cause.

Respectfully,

*Alfred H. Hargis*  
In Charge,  
Creek Field Party.

JBM

NO 676

Muskogee, Indian Territory, November 13, 1906.

Chief Clerk,  
Seminole Enrollment Division,  
General Office.

Dear Sir:

You are hereby advised that the names of Yahdeka and Jemima Byrd, children of Sunny Byrd, an alleged citizen of the Seminole Nation and Tamisa Byrd, a citizen by blood of the Creek Nation, is contained in schedule of minor citizens by blood of the Creek Nation, approved by the Secretary of the Interior, September 27, 1905, opposite Roll numbers 633 and 634.

Respectfully,

Commissioner.

Cr. No. 582.

Muskogee, Indian Territory, February 8, 1907.

Tamissa Bird,

Bufaula, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, George W. Bird, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.  
IM-64.

Cr. No. 323.

Muskogee, Indian Territory, February 2, 1907.

M. L. Matt,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of George W. Bird, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

LM-65

Commissioner.

Gr.M.522.

Muskogee, Indian Territory, February 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted a copy of the proceedings had in the matter of the application for the enrollment of George W. Bird, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commissioner denying said application.

Respectfully,

Commissioner.

LM-66.

Through the Commissioner  
of Indian Affairs.



CR EN 677

CR EN 677

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 31, 1904.

In the matter of the application for the enrollment of John J. Moore et al., as Creek Freedmen.

APPEARANCES: M. L. Mott Attorney for Creek Nation.

JOHN J. MOORE, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A John J. Moore.  
Q How old are you? A Now fifty-four.  
Q What is your post office address? A Turner, I. T.  
Q Do you make application for the enrollment of yourself as a Creek Freedman? A Yes, sir.  
Q Have you any children for whom you desire to make application? A I have five.  
Q What is the name of the oldest? A Perdasy.  
Q How old is she? A Sixteen.  
Q Is she living? A Yes, sir.  
Q What is the name of the next one? A Suggs.  
Q How old is he? A Thirteen.  
Q Is he living? A Yes, sir.  
Q What is the name of the next one? A Blanche.  
Q How old is she? A Eleven.  
Q Is she living? A Yes, sir.  
Q What is the name of the next? A Melvin.  
Q How old is he? A Nine years old.  
Q Is he living? A Yes, sir.  
Q What is the name of the next one? A Johnnie.  
Q How old is he? A Six years old.  
Q Is he living? A Yes, sir.  
Q Got any more? A That is all.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q Who is the mother of these children? A Della Moore.  
Q Is she living? A Yes, sir.  
Q Is she a citizen of the Creek nation? A No, sir.  
Q Any rights that these children might have in the Creek Nation come through you and not their mother? A Yes, sir.  
Q What town do you belong to? A Akansaw Town.  
Q Did you ever draw any money from the Creek Nation? A I drew the first time. I drew the \$29.00 I believe in 1867 or 68.  
Q Did you draw any money from the Creek nation in 1890? A No, sir.  
Q Did you draw any in 1898? A No, sir, I wasn't here. I was in Missouri preaching.  
Q Do you now live in the Creek Nation? A Yes, sir.  
Q How long have you resided in the Creek Nation this last time? A I have been in the Creek Nation this last time ever since 1888 or 1886.  
Q Do you mean '85 or '95? A I came back in 1888 and I stayed to '91 or '92 and then went to Fort Smith to take charge of the church.  
Q How long did you stay in Fort Smith? A Stayed there four years.  
Q Has your family always lived in the Nation? A Yes, sir.  
Q Do you know whether your name is on the Dunn roll or not? A No, I don't know. In '66 or '68 I was notified to come to the nation to enroll and I was---and I got down here to Van Buren in '68 and in the Spring of '68 I went to Scullyville and in '68 I was here.  
Q Where was you in '67? A I was here on the Arkansas River.

John J. Moore et al.,--2.

Q Was you a slave of a Creek Indian? A Yes, sir.  
Q What was the name of your owner? A Billie Brayson.  
Q Have you always gone by the name of John J. Moore? A Ever since the War. Before that I went by the name of John Grayson.  
Q You say you was here in 1867? A Yes, sir.  
Q Was you here when the Dunn Roll was made? A Yes, sir.  
Q Do you know whether or not your name was placed on that Roll? A I don't know exactly. I applied to Mr. Dunn and he said I was under age and said he would see to it.  
Q You said you drew \$29.00 in 1867 or '68? A Yes, sir. It was in '67 or '68 one of the two.

The Dunn Roll examined and it does not appear therefrom that the names either John J. Moore or John J. or Johnnie Grayson are found thereon.

The 1890 Authenticated Tribal Roll of the Creek Nation, Arkansas Town, examined and none of the names of the applicants herein are found thereon.

The 1895 Pay Roll of the Creek Nation, Arkansas Town, examined and none of the names of the applicants herein are found thereon.

Reference is made to old Creek Freedman Card, Family No. 55, upon which appears the name of Jno. J. Moore and his four children, Perdoy, Suggs, Blanche and Malvin Moore.

-----0-----

I, Drennan C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said case on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 26 day of September, 1904.

W. H. Martin Jr.  
Notary Public.

-# 677

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Muskogee, I. T., August 31, 1904.

In the matter of the application of Henry Williams for the enrollment of his minor child, Ora Williams, as a Creek Freedman.

APPEARANCES: M. L. Mott Attorney for Creek Nation.

HENRY WILLIAMS, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Henry Williams.  
Q How old are you? A Twenty-seven.  
Q What is your post office address? A Bearden.  
Q Where is Bearden? A In the Creek nation.  
Q Where do you live? A Two miles east of Bearden in the Creek Nation.  
Q Are you a citizen of the Creek nation? A Have been always recognized.  
Q Are you enrolled in any of the Nations of the Indian Territory?  
A Yes, sir, enrolled in the Chickasaw Nation.  
Q Have you ever made application to be enrolled as a Creek Freedman?  
A Yes, sir.

The records of the Commission show that Henry Williams made application to be enrolled as a Creek Freedman. Creek Enrollment Case, No. 362.

- Q You desire to make application for the enrollment of your child, Ora Williams, as a Creek Freedman? A Yes, sir.  
Q Where is she living now? A Chickasaw Nation.  
Q You are the father? A Yes, sir.  
Q Who is the mother? A Carrie Williams. On the Chickasaw Roll as Carrie Colbert.  
Q Is your wife regularly enrolled in the Chickasaw Nation? A Yes, sir.  
Q Is your daughter also enrolled in that nation? A Yes, sir.  
Q Under what name? A Ora Colbert.  
Q You desire to elect to enroll this child in the Creek Nation as a Creek Freedman? A Yes, sir.

Reference is hereby made to Creek Enrollment Case 362, Henry Williams, with which this case is consolidated.

-----Of-----

I, Drennan G. Skaggs, on oath state that the above and foregoing is a true and full transcript of my stenographic notes as taken in said case on said date.

*Drennan G. Skaggs*

Subscribed and sworn to before me this 24<sup>th</sup> day of September, 1904.

*H. Martin*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I.T., August 31, 1904.

In the matter of the application of Henry Williams for the enrollment of his minor child, Ora Williams, as a Creek Freedman.

Appearances: M.L.Mott, Attorney for Creek Nation.

Henry Williams being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Henry Williams.  
Q How old are you? A Twenty-seven.  
Q What is your post office address? A Bearden.  
Q What is your post office address? A Bearden. *Henry Bearden? In the Creek Nation*  
Q Where do you live? A Two miles east of Bearden in the Creek Nation.  
Q Are you a citizen of the Creek Nation? A Have been always recognized.  
Q Are you enrolled in any of the Nations of the Indian Territory?  
A Yes sir, enrolled in the Chickasaw Nation.  
Q Have you ever made application to be enrolled as a Creek Freedman.  
A Yes sir.

The records of the Commission show that Henry Williams made application to be enrolled as a Creek Freedman. Creek Enrollment Case, No. 362.

- Q You desire to make application for the enrollment of your child, Ora Williams, as a Creek Freedman? A Yes sir.  
Q Where is she living now? A Chickasaw Nation.  
Q You are the father? A Yes sir.  
Q Who is the mother? A Carrie Williams. On the Chickasaw Roll as Carrie Colbert.  
Q Is your wife regularly enrolled in the Chickasaw Nation?  
A Yes sir.  
Q Is your daughter also enrolled in that nation? A Yes, sir.  
Q Under what name? A Ora Colbert.  
Q You desire to elect to enroll this child in the Creek Nation as a Creek Freedman. A Yes sir.

Reference is hereby made to Creek Enrollment Case 362, Henry Williams, with which this case is consolidated.

I, Drennan C. Skaggs, on oath state that the above and foregoing is a true and full transcript of my stenographic notes as taken in said cause on said date.

(SEAL)

(Signed)

Drennan C. Skaggs.

Subscribed and sworn to before me this 24th day of September, 1904.

(Signed) William T. Martin, Jr.,  
Notary Public.

Lona Merrick, being duly sworn, state that the above and foregoing is a true and correct copy of the original proceedings had in said cause on said date.

*Lona Merrick*

Subscribed and sworn to before me this 10th day of May, 1905.

*Edw. B. ...*

P. L.  
8013  
Ex. 676.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John J. Moore, et al., as Creek Freedmen.

SUPPLEMENTAL STATEMENT

The 1891 and 1895 Omitted Rolls of the Creek Nation examined, and the names of none of the applicants herein identified on either of said rolls.

Records of the proceedings of the Colbert Commission examined and it does not appear that application was made to said Commission for the admission of the applicants herein, or any of them, to citizenship in the Creek Nation.

Records of the proceedings of this Commission under authority of the act of Congress, June 10, 1896, examined and it does not appear that application was made to said Commission for the admission of the applicants herein, or any of them, to citizenship in the Creek Nation.

  
Commissioner

Muskogee, Indian Territory,

November 17, 1904.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John J.,  
Perdoy, Suggs, Blanche, Melvin and Johnnie Moore as Creek Freedmen.

DECISION.

The record in this case shows that on August 31, 1904, John J. Moore appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his five minor children, Perdoy, Suggs, Blanche, Melvin and Johnnie Moore, as Creek Freedmen. Further proceedings were had November 17, 1904.

The evidence shows that said John J. Moore was fifty years old at the date of the application herein and that he is not identified on the Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867; that said Perdoy Moore, Suggs Moore, Blanche Moore, Melvin Moore and Johnnie Moore are the minor children of said John J. Moore and that they or any of them, are not the descendants of a person whose name appears on said roll, and that no claim is made that the mother of said minor children is entitled to enrollment as a citizen of the Creek Nation.

It does not appear from the evidence that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor have they, or any of them, ever been admitted to citizenship in said nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of this Commission that there is no authority of law for the enrollment of said John J. Moore, Perdoy Moore, Suggs Moore, Blanche Moore, Melvin Moore and Johnnie Moore, or any of them, as Creek Freedmen and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN.

COMMISSIONER.

COMMISSIONER.

MUSKOGEE, INDIAN TERRITORY,

MAY 15 1905



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 2, 1905

In the matter of the application for the enrollment  
of John J. Moore et al. as Creek freedmen.

Appearances: M.L.Mott attorney for the Creek Nation.

The record in this case shows that on March 15, 1905, the Commission to the Five Civilized Tribes rendered a decision denying the application for the enrollment of John J. Moore, Perdosy, Suggs, Blanche, Melvin and Johnny Moore as Creek freedmen and that on August 3, 1905, the Department remanded said case with instructions to give the applicant further opportunity to show whether or not he was entitled to be enrolled on the roll of Creek freedmen made by J.W.Dunn prior to March 14, 1867.

Peter Hawkins, being duly sworn, testified as follows:

By Commissioner.

Q What is your name ? A Peter Hawkins.

Q What is your age? A 27

Q What is your post office address? A Wagoner

Q If you are only 27 years old, how do you know about the Dunn roll that was made in 1867? A I dont know a thing about it but how long I have know him is what he wants me to say.

Witness is excused.

John J. Moore, being duly sworn, testified as follows:

By Commissioner:

Q What is your name? A John J. Moore

Q What is your age? A 56

Q What is your post office address? A Turner

Q Where were you born? A In Chickasaw Nation.

Q What was the name of your mother? A Priscilla

Q What was her last name? A Grayson

Q Was the a slave of a Cherokee? A Yes, belonged to a man named Dave Walls

Q Was he a Cherokee? A He was a half breed

Q Were you a slave of than man too? A Yes, sir

Q Where did you go when the slaves were freed? A Kansas

Q How long did you stay there? A Till 1865 then went south

Q Where did you go then? A Choctaw Nation to a place called Oak Lodge now

Q How long did you stay there ? A I went there the first of August and staid there until the last of August and then came to the Creek Nation in 1866

Q Was your mother with you? A No, she died in 1864

Q How long did you stay in the Creek Nation when you came in 1866? A I staid till 1867 and then went down to the Chickasaw Nation in the fall of 1867

Q Do you know when the Dunn roll was made? A Yes, sir

Q Were you here at that time? A Yes, sir

Q Did you draw any money when the Dunn roll was made? A No, sir  
I went to Major Dunn and asked him to enroll my name and he asked  
me how old I was and I told him and he said you are a miner, you  
will have to have a guardian. I didn't know what that was and  
he said he would see to the matter and I told me to come on  
Thursday and on Thursday he said I have to go to Okmulgee  
and he never tended to it.

Q And you didn't get the money that time? A No, sir

Q Have you a child named Perdoy? A Yes, sir

Q Is she living? A Yes, sir

Q Have you a child named Suggs? A Yes, sir

Q Is he living? A Yes, sir

Q Have you a child named Blanche? A Yes, sir

Q Is she living? A Yes, sir

Q Have you a child named Melvin? A Yes, sir

Q Is he living? A Yes, sir

Q Have you a child named Johnny ? A Yes, sir

Q Is he living? A Yes, sir

Q When was Johnny born? A I have it down

Q How old is Johnny? About four

Q Is he more or less than four? A He is in his fourth year if I  
mistake not but it is down in my bible

The witness is notified that this office desires testimony  
of persons who knew him at the time the Dunn roll was made  
and knew where he was at that time. He is also notified to  
bring in the book having the record of the date of the birth  
of his child Johnny. Witness is allowed for this purpose  
thirty days within which to bring in the testimony.

-----

I, Anna Garrigues, state that the above and foregoing is a true  
and correct copy of my stenographic notes as taken in said cause  
on said date.

Anna Garrigues

Subscribed and sworn to before  
me this second day of September 1905.

Henry G. Hains  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, Sept. 12, 1905.

In the matter of the application for the enrollment of  
John J. Moore et al. as Creek freedmen.

APPEARANCES: Office of M.L. Kott, attorney for Creek Nation,  
telephoned and Mr. Kott found to be out.

Gabriel Jimmerson, being duly sworn, testified as follows:

Q What is your name? A Gabriel Jimmerson.  
Q What is your age? A 66  
Q What is your post office address? A Wybark.  
Q Do you know John J. Moore the applicant in this case? A Yes, sir  
Q How long have you known him? A I got acquainted with him in  
the army, we were in the United States army together.  
Q Was he with you when you left the army after the war? A Yes, sir  
Q Where did you go when you were disbanded? A Leavenworth.  
Q Where did you go after that? A Came down here.  
Q Was he here with you? A Yes, sir here until about 1870 and  
then went to Fort Smith.  
Q Was he the slave of a Creek Indian do you know? A Yes, sir  
Q Do you know his masters name? A Grayson  
Q When he left the Creek Nation in 1870 how long did he stay out  
do you know? A He was here off and on I cant tell how long.  
Q Did he stay out as long as ~~any one time~~ at any one time?  
A No he didn't stay out three years, he didn't stay out one year.  
Q Did you know his mother? A Yes, sir  
Q What was her name? A Cilla Grayson  
Q Is she living or dead? A Dead  
Q When did she die? A During the war.  
Q Do you know why Moore didn't get his name on the Dunn roll?  
A His Creek town is Coweta and I thought he was on that town  
all the time, I didn't know he was debarred until lately.  
Q Coweta isn't a freedman town is it? A Its mixed, Indian and  
freedmen  
Q Do you hold any official position in the Creek Nation?  
A Town king of Arkansas town. If you will allow me I will tell  
you why I thought he was a citizen; we had a permit law and they  
didn't ask him to pay a permit.  
Q And that's how you know he was a Creek citizen is it? A Yes.

At the request of applicant, case is continued for twenty days.

I, Anna Garrigue, state that the above is a true and correct  
transcript of my stenographic notes as taken in said cause on  
said date.

*Anna Garrigue*

Subscribed and sworn to before me this 12th day of September 1905.

*Henry S. Harris*

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, October 13, 1905.

In the matter of the application for the enrollment of  
John J. Moore et al., as Creek freedmen.

Tobe McIntosh, being duly sworn, testified as follows:

- Q What is your name? A Tobe McIntosh.  
Q What is your age? A Mighty near seventy.  
Q What is your post office address? A Muskogee  
Q Do you know John J. Moore the applicant in this case? A Yes, sir  
Q How long have you known him? A Since before the War.  
Q Where did he live before the War when you first knew him?  
A Out here on Elk creek  
Q What was the name of his father? A I dont know.  
Q Did you know his mother? A Yes, sir  
Q What was her name? A Cilla  
Q Cilla what? A Cilla Grayson.  
Q Did you know John J. Moore during the War? A Yes, sir.  
Q Where was he? A During the War he was taken away from here .  
Q Was he the slave of a Creek Indian? A Yes, sir  
Q Who was his owner? Billy Grayson.  
Q Were you here in the Creek Nation just after the War? A Yes, sir  
Q Were you here at the time the Dunn payment was made? A I  
interpreted for Dunn  
Q Was John here at that time? A At that time he was not here  
Q Was he here at any time between the close of the war and the  
making of the Dunn roll? A He was here in '66  
Q Was he here before the treaty was made? A Treaty of '66?  
Q Yes? A Yes, he was here.  
Q He was here at the time the treaty was made? A Yes, sir.  
Q But he didn't stay till the Dunn payment was made? A No, sir  
Q Where was he at the time the Dunn payment was made? A I couldn't  
tell that.  
Q How long after the Dunn payment before he returned to the Creek  
Nation? A I will tell you in a minute. I am such an old man just  
let me have a little time. He was here in '68. I saw him again  
in '68.  
Q Then how long did he stay? A I don't think he remained any then.  
Q You didn't see much of him at that time? A No, sir.  
Q How long have you known him to be in the Creek Nation this  
last time? A Been here a long time, couldn't tell how long.  
Q Did you live near him at the time of the War? A Yes, close by.  
Q You know he is the same man you knew at that time? A Yes, sir  
Q You know that he was a slave of Billy Grayson, a Creek Indian?  
A Yes, sir I know that.

I, Anna Garrigues, on oath state that the above is a true and  
correct transcript of my stenographic notes as taken in said  
cause on said date.

Subscribed and sworn to before  
me this 13 day of October 1905.

*Anna Garrigues*

*J. M. Desautelle*  
Notary Public.

*Encl. D.A.  
Gr. 4-18-58.*

Muskogee, Indian Territory, April 19, 1908.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of John J. Moore, and his five minor children, Perdoy, Suggs, Blanche, Kelvin and Johnnie Moore, as Creek Freedmen, including the decision of the Commission, dated March 15, 1908.

Respectfully,

Chairman.

Through the Commissioner  
of Indian Affairs.

LM-4-18-58.

*L. D.*  
*En*  
Gr. No. 676.

Muskogee, Indian Territory, April 19, 1906.

M. A. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of John J. Moore and his five minor children, Perdoy, Suggs, Blanche, Melvin and Johnnie Moore, as Creek Freedmen, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

IM-419-59.

Cr.Tr. 676.

Muskogee, Indian Territory, April 19, 1906.

John J. Moore,

Turner, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and your five minor children, Perdoy, Bugge, Blanche, Melvin and Johnnie Moore, as Creek Freedmen, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.  
IX-419-60.



DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

S.R.

August 2, 1908.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

April 19, 1908, the Commission to the Five Civilized Tribes transmitted the record of the application of John J. Moore for the enrollment of himself and his five minor children, Perdasy, Suggs, Blanche, Melvin, and Johnnie Moore, as Creek freedmen, including its decision dated March 10, 1908, denying said application.

May 2, 1908, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the Commission's decision adverse to all the applicants be affirmed. A copy of his letter is inclosed.

From the meagre record submitted it appears that John J. Moore, the principal applicant, a negro preacher, 54 years old, claims to have been a slave of a Creek Indian named Billie Brayson, and that before the Civil War applicant went by the name of John Grayson. He claims to have received notice in '65 or '66 to come to the nation to enroll, that "in the spring of '66 I went to Souillyville and in '66 I was here in the Arkansas River", that he was in the nation in 1867, when the Dunn Roll was made. Q. "Do you know whether or not your name was placed on that Roll? A. I don't know exactly. I applied to Mr. Dunn and he said I was under age and said he would see to it." He further claims to have received a \$29. payment in 1867 or '68.

His statement is the only testimony presented and is uncontested. The Commission stated that neither of the names John S. Moore nor Johnnie Grayson appear upon any of the tribal rolls in its possession.

Under the ruling in the case of Dan Campbell (I.T.D.9038-1903), applicant, whether previously enrolled or not "if entitled to be enrolled under section 21 of the act of Congress approved June 28, 1898," should be placed upon the rolls.

The record presented is too meagre upon which to base a decision and is contradictory as to the exact time of the final return of applicant to the nation to reside. Material facts may exist which have not been elicited.

The Department is of the opinion that the principal applicant should be given further opportunity to show whether or not he is entitled to be enrolled, and the exact date of his final return to the nation to permanently reside should be clearly fixed, and therefore the record is remanded to you for further hearing.

You are requested to advise both the applicant and the attorneys for the nation of the time fixed for further hearing.

Respectfully,

Thos Ryan  
Acting Secretary

1 inclosure.

Refer in reply to the following:

Land

31357-1905

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, May 2, 1905.

The Honorable,

The Secretary of the Interior:

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 19, 1905, transmitting the record of the application made August 31, 1904, for enrollment as Creek freedmen, by John J. Moore for himself and his five minor children, Perdoy, Suggs, Blanche, Melvin and Johnnie Moore.

March 15, 1905, the Commission decided adversely to the applicants.

The record shows that the principal applicant was fifty years of age at the date of his application and that he is not identified on the Dunn Roll; that the minor applicants are his children and are not the descendants of a person whose name appears on said roll and no claim is made that their mother is entitled to enrollment as a Creek citizen. It does not appear from the record that any of the applicants has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C F Larrabee

Acting Commissioner

M M M

W

Turner, In Ter Sep 20 1908

Most Excellent Secretary of the Interior

I John J. Moore write you this to inform you that I have complied with the Department of the Interior on the 2 of Sep. 05 the witness was rejected on being to young but they ought of let me know what kind of witness was required and would saved me of unnecessary caust. But on the 12 of Sep 05 I proved that I were hear all the time from Aug 1866 untill the fall of 1868 and I proved I went to the in 1868 and came back in 1870 and staid untill 1871 and I went to Nashville Tenn and came back in 1875 and have been heare every since and I proved that in 1894 & 1895 the Creek Cort past a law that all state or nun citizens should pay permits and I were exempted all of the above I proved by Mr Gaible Jimson who served for 20 or 24 years as king of Ark Saw Tom of the Creek Nations. Most Worthy Secretary I your humble servant ask you to please give me my rights I ask it in name of the Lord hom I labor and been for 39 years I will wate your reply  
I have the honor of being you humble servant

John J Moore

Please direct to Inola I T

**No. 677**

**Muskogee, Indian Territory, January 13, 1906.**

**The Honorable,**

**The Secretary of the Interior.**

**Sir:**

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Ora Williams as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, dated January 13, 1906.

Respectfully,

Commissioner.

Through the  
Commissioner of Indian Affairs.

AG-58

En. 877

Muskogee, Indian Territory, January 15, 1906.

M. L. Mett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Ora Williams, as a Creek freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-57

22.877

Mustang, Indian Territory, January 18, 1906.

Henry Williams,  
Bearden, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Ora Williams as a Creek freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ora Williams as a Creek Freedman.

.....DECISION.....

The record in this case shows that on August 31, 1904, Henry Williams appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of his minor child, Ora Williams, as a Creek Freedman.

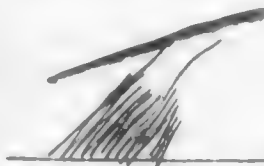
The evidence shows that said Ora Williams is the daughter of Carrie Colbert, a Chickasaw Freedman, and of Henry Williams, and an examination of the records of this Office shows that the name of said Henry Williams formerly appeared in the partial list of Chickasaw Freedmen approved by the Secretary of the Interior December 12, 1904, opposite No. 1674, that on August 3, 1905 (I.T.D. 9362-1905), the Department cancelled his enrollment as a Chickasaw Freedman and that his name now appears in the partial list of Creek Freedmen approved by the Secretary of the Interior November 27, 1905, opposite No. 5604.

The evidence further shows that said Ora Williams, as Ora Colbert, has been enrolled as a Chickasaw Freedman, that her name is contained in the partial list of Chickasaw Freedmen approved by the Secretary of the Interior December 12, 1902, opposite No. 1029, and that on February 4, 1904, Carrie Colbert, the mother of said child, selected an allotment of lands in the Chickasaw Nation for said Ora Williams (Colbert).

The act of Congress June 28, 1898 (30 Stats., 495), provides:

"The several tribes, may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Ora Williams as a Creek Freedman, and the application for her enrollment as such is accordingly denied.



Commissioner.

Muskogee, Indian Territory.

JAN 12 1906

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

G.H.

L.S.

Cr. En 677

I. T. D. 1424-1906.

February 13, 1906.

L.S.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

January 13, 1906, you transmitted the application of Henry Williams for the enrollment of Ora Williams, alias Ora Colbert, an infant, as a Creek Freedman, including your decision dated January 12, 1906, denying said application.

It appears from the record that the name of Ora Colbert (Ora Williams) appears upon the approved partial roll of Chickasaw freedmen of December 12, 1902, at No. 1029 thereon. The name of Henry Williams, the father of said infant, appeared upon the approved partial roll of Chickasaw freedmen of December 12, 1902, opposite No. 1674 thereon, but upon his application his name was transferred by the Department on August 3, 1905 (I. T. D. 9362), upon a schedule of Creek freedmen to be forwarded to the Department for approval.

It appeared from the record in his application (I. T. D. 9362-1905), that he was then a resident of the Creek Nation and separated from his wife, Carrie Colbert, a duly enrolled Chickasaw freedman, then living in the Chickasaw Nation, presumably with

-2-

her infant child, Ora Colbert, that he had been sentenced to the Texas penitentiary for the crime of larceny; that he had not since then lived with his family;

It appears that prior to his application made August 31, 1904, to have said minor child, Ora Williams, alias Ora Colbert, enrolled as a Creek Freedman, that the mother of said child, Carrie Colbert, on February 4, 1904, selected an allotment of land in the Chickasaw Nation for said Ora Colbert (Ora Williams), duly enrolled upon the approved partial roll of Chickasaw freedmen of December 12, 1900, at No. 1000 thereon.

As a rule the father has the preferential right to apply for the enrollment of his minor child, but in view of the separation of the parents in this case and the minor child living with its mother, who had previously selected an allotment for said child in the Chickasaw Nation prior to the application of the father for the enrollment of said minor child as a Creek freedman, your decision dated January 12, 1905, denying the application for the enrollment of said Ora Williams, alias Ora Colbert, as a Creek Freedman, is hereby affirmed.

A copy of the letter of the Indian Office dated January 24, 1905, reporting thereon, is herewith enclosed.

Respectfully,

(Signed) Theo. Ryan

First Assistant Secretary.

I enclose.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

GOVT

20001  
BAGB-1904,  
OF WH 877

January 24, 1906.

The Honorable,  
The Secretary of the Interior.

SIR:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated January 18, 1906, transmitting the record of the application for enrollment as a Creek Freedman of Ora Williams.

January 12, 1906, the Commissioner decided adversely to the applicant.

The record shows that Ora Williams as Ora Colbert, has been enrolled as a Chickasaw Freedman; that her name appears upon a partial list of Chickasaw Freedmen approved by the Department December 12, 1902, at Number 1029; and that on February 4, 1904 her mother, Carrie Colbert, selected an allotment of lands in the Chickasaw Nation for her.

In view of the record and of the act of June 28, 1899 (30 Stat., 495) the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee,  
Acting Commissioner.

20001

Cr. En 677 ✓

Muskogee, Indian Territory. February 23, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of February 13, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, date January 12, 1906, denying the application for the enrollment of Ora Williams, alias Ora Colbert as a Creek freedman.

Respectfully,

Acting Commissioner.

Cr. No. 677

Muskogee, Indian Territory, February 25, 1906.

Henry Williams,

Bearden, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 15, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Ora Williams, alias Ora Colbert as a Creek Freedman.

Respectfully,

Acting Commissioner.

2-14  
I.T.D. 4646-1906  
LRS

DEPARTMENT OF THE INTERIOR,  
WASHINGTON. April 26, 1906. LRS

OR

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

August 3, 1905 (I.T.D. 4646), the Department remanded the record in the matter of the application of John J. Moore for the enrollment of himself and his five minor children as Creek freedmen for further hearing, in view of the approved opinion of the Assistant Attorney General for this Department in the case of Dan Campbell (I.T.D. 9038-1903).

from applicant  
Communications of recent date, claim that the evidence required by the Commissioner has been furnished by him.

Since the record has been remanded the Assistant Attorney General for this Department has rendered opinions, approved by the Department, in the analogous cases of Joe Harrison (I.T.D. 13454-1905), and Etta Scott, et al., (I.T.D. 5228-1906), for enrollment as Creek freedmen.

In your readjudication of the remanded record in the above case of John J. Moore et al., which you are requested to transmit as soon as practicable, the Department desires that you indicate under which of the foregoing <sup>approved</sup> opinions of the Assistant Attorney General for this Department you have readjudicated said case.

Respectfully,

Thos Ryan

First Assistant Secretary

Through the  
Commissioner of Indian Affairs



CR EN 678

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#-677

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, IND. TER. AUGUST 28, 1903.

In the matter of the application for the enrollment of  
Henry Williams as a Creek citizen Freedman.

Appearances: A.P. Murphy, Attorney for the Creek Nation.

Henry Williams, after being duly sworn, testified as  
follows, in his own behalf.

By the Commission.

- Q What is your name? A Henry Williams.  
Q What is your post office? A Bearden, I.T.  
Q How old are you? A I am 27 years old.  
Q As a citizen of what nation do you make application? A The Creek  
Nation.  
Q Where do you live? A At Bearden--south of there in the Creek  
Nation.  
Q What is your father's name? A Boston Colbert; and he is known  
as Boston Williams.  
Q Is he a citizen of the Creek Nation? A No sir, of the Chickasaw  
Nation.  
Q What is your mother's name? A Mary Williams.  
Q Is she living or dead? A She is dead.  
Q When did she die? A I don't know the date.  
Q How long has your mother been dead? A I don't know exactly.  
Q About what time did she die? A I have heard it two or three  
ways. I have heard that she died in 1880 some time.  
Q How old were you when she died? A About three or four years old,  
or four or five.  
Q Was your mother a citizen of the Creek Nation? A Yes sir.  
Q Have you ever been recognized by the Creek tribal authorities  
as a citizen of the Creek Nation? A Yes sir.  
Q Did you ever draw any money from the Creek Nation? A Yes sir.  
Q To what town in the Creek Nation do you claim to belong?  
A I don't know.  
Q Who was the town king? A This old man here, Paro Bruner.  
Q What amount of money have you drawn? A I drew \$14.40 in December,  
1895.  
Q Did you draw it or was it drawn for you? A Ben Evans drew it  
for me and turned it over to me. I was there all O.K.  
Q Did you receive the money? A Yes sir.  
Q Did you ever draw any other payment? A No sir, but my name was  
sent in for the other payment. I did not get the \$29 payment;  
but two other names sent it with mine, they got it. I was not able  
to see after mine and did not get the \$29.  
Q Have you ever been enrolled as a citizen of the Chickasaw Nation?  
A Not as I know of. I don't know what my father done while I was  
in prison.  
Q Do you know whether application was ever made for your enrollment  
as a citizen of the Chickasaw Nation? A I don't know.  
Q Did your father ever go by any other name than Boston Williams  
and B.C. Colbert? A There's the only names I knew of.  
Q Have you a brother younger than yourself? A Yes sir.  
Q What is his name? A Robert.  
Q Have you ever been enrolled by the tribal authorities as a citizen  
of the Creek Nation? A Yes sir.

Q Is he enrolled as a citizen of the Chickasaw Nation? A I think so; the old man enrolled both of us at the same time.  
Q Is your father enrolled as a citizen of the Chickasaw Nation?  
A Yes sir.

BY MR. MURPHY:

Q Are you married or single? A I have been married.  
Q Is your wife living or dead? A She was living the last time I heard of her.  
Q What is her name? A Carrie.  
Q Is she a citizen of any nation? A She is a citizen of the Chickasaw Nation.  
Q Are you divorced? A Not yet.  
Q How long have you been separated from your wife? A Ever since I got into trouble.  
Q What trouble do you mean? A I was confined in prison.  
Q In prison? A Yes sir, I was in the Texas prison.  
Q In the Texas penitentiary? A Yes sir.  
Q When did you get out? A On the 10th day of March this year, 1903.  
Q When did you get in? A On the 27th of May, 1901, but I was down there a year before that.  
Q Then you were living in Texas? A No, I was there in jail for eleven months and then I was in the pen. two years.  
Q What for? A Larceny.  
Q Where did you live prior to that time? A In the Creek and Chickasaw Nations.  
Q Which did you live in? A I lived most all of my life in the Creek Nation. I married in the Chickasaw Nation; I married a Chickasaw girl and stayed in that nation until I got into trouble.  
Q When were you married? A In 1898.  
Q Then you lived in the Chickasaw Nation all that time? A Yes sir.  
Q Now how came you to go to Texas? A I went there fooling around on a trip and got into trouble.  
Q Had you left your wife? A No sir. Only while I was gone.  
Q How long were you in Texas? A Nearly three years.  
Q Nearly three years? A Yes sir. I was in jail eleven months and in the pen. two years.  
Q How long were you in Texas before you got into trouble?  
A Only two days. It was just two days after I crossed the line until I got into trouble and was arrested.  
Q When were you in Texas before that? A I was never there before I got arrested and in trouble.  
Q Then they got the wrong man, did they? A I don't know.  
Q You never were in Texas before this time? A No sir I never was there before. I was arrested as soon as I crossed the line.  
Q Where were you married? A I was married in the Chickasaw Nation.  
Q Where were you living at the time you were married? A In the Chickasaw Nation. I had been there a month before I married.  
Q Where were you born? A In the Chickasaw Nation.  
Q How long did you live there after you were born? A Until I was thirteen years old; I lived with my grandmother.  
Q How long did you live in the Creek Nation? A I have been here ever since, only what time I was down in the Chickasaw Nation, and in Texas.  
Q Were you ever admitted to citizenship in the Creek Nation?  
A I reckon not until I was enrolled.  
Q Were you ever admitted to citizenship by the National Council or by the tribal authorities? A No sir I don't reckon I have until I was enrolled.  
Q Were you ever admitted by the Council? A Yes sir.

- Q By the Greek Council? A Yes sir.
- Q When was that? A I don't know as I can tell.
- Q Did anybody ever go before the Council and have you enrolled as a citizen of the Greek Nation? A No sir.
- Q Were you ever admitted by the Greek Colbert Commission or by the United States Court? A I have been admitted by the State court of Texas, as a citizen of the Greek Nation.
- Q Do you mean that you were admitted in Texas as a citizen of the Greek Nation or do you mean you were tried in the courts of Texas as a Greek citizen? A Yes sir; I was tried as a Greek citizen. When I was tried there is where I claimed my rights.
- Q Then you were not admitted before the court in Texas as a Greek citizen? A I don't know as I was admitted; there is where I claimed my rights, in the Greek Nation.
- Q Who put you on the roll? A My sister.
- Q What is her name? A Lou Bruner.
- Q Did she put you on the Greek roll? A Yes sir.
- Q How old were you when you were put on the roll in 1890? A I don't know.
- Q How old were you? A About 13 or 14 years old.
- Q That was while you were living in the Chickasaw Nation, then?
- A No I was living with her in the Greek Nation.
- Q Who put your name on the 1890 roll? A I put my name on that roll myself, me and an older brother. I was living in the Greek Nation then. We went our names in ourselves.
- Q You and your brother sent your names in for the 1890 roll?
- A Yes sir.
- Q You first sent your names in and wanted to get on the roll and your names were put on? A Our names were sent in to draw the money.
- Q Did you draw the money? A Yes sir; Bonnie Nevins drew the money for me.
- Q Was he an official? A He was a lawyer, I think. The old man out there can tell you all about it. He worked for him.
- Q You say you drew the \$14.40 payment? A I did.
- Q You signed a receipt for it? A Yes sir; Bonnie Nevins signed it for me. I stood over him and saw him.
- Q How about the \$20 payment? A I did not get that. My name was sent in for it but I failed to get it because I had no one to look after it for me. My sister and brother's names were sent in at the same time and they got it.
- Q Did your sister draw the money? A Yes sir, she and all her children.
- Q So you are just as positive as about anything else you have stated here that you saw Nevins draw that money for you; you saw him when the roll for \$14.40? A He said he signed it.
- Q You said while and that you saw him sign it? A He brought me the money O.K. and I got the money.

BY THE COURT: (ON)

- Q How old were you when you first came to the Greek Nation?
- A I was 11 or 12 years old.
- Q When did you leave the Greek Nation after that time? A I never did leave it, only out in and in; I lived here until I went to Chickasaw a short time before I married.
- Q When did you live with in the Greek Nation? A My sister and oldest brother.
- Q What is your sister's name? A Lou Bruner.
- Q Is she a full sister? A No sir, only a half sister.
- Q Different father and the same mother? A Yes sir, we had the same mother and a different father.

- Q Has she been enrolled as a citizen of the Creek Nation?  
A Yes sir.
- Q Has she taken her allotment? A Yes sir.
- Q She and her children taken allotments? A Yes sir and my brother also.
- Q Where was your mother a citizen, in the Creek or Chickasaw Nation? A In the Creek Nation.
- Q How old were you in 1898? A I was 21 past.
- Q Did you ask your father or authorize your father to enroll you as a citizen of the Chickasaw Nation? A I did not and I didn't know anything about it until 1905.
- Q It was done with your consent? A No sir. I had nothing to say about it, because I was not of age.
- Q You say you are married? A I was married.
- Q What is your wife's name? A Carrie. Did she have any children by you? A Yes sir.
- Q What are their names? A Ora Colbert; I was married under the name of Colbert and the child is recognized & registered by the name of Colbert.
- Q How many children have you? A Only one.
- Q How old is Ora? A She will be 4 or 5 years old in December.
- Q How old is Ora? A She will be 4 or 5 years old in December.
- Q How long has it been since you separated from your wife?  
A Ever since before I was arrested.
- Q Have you been divorced? A Not yet.
- Q Are you living with her? A No sir.
- Q Have you lived with her any of the time since you were arrested?  
A No sir.
- Q What is your sister's name? A Lou Bruner.
- Q What is her husband's name? A Samuel Bruner.
- Q Has Lou Bruner any children? A Yes sir.
- Q How many has she? A Six or seven I believe.
- Q What are their names? A I don't know them very well.
- Q Give them the best you can? A Mary, Elina, Tommie, Willie, and Davis; I don't know them all.
- Q Did your sister ever go by the name of Jefferson? A Not that I know of.
- Q Has he any children named Jefferson? A I don't know of it if she has.
- Q Has she been married more than once? A I don't know. That was before I went to her and I don't know.
- Q You say she had your name placed on the 1890 roll? A Yes sir.
- Q Was your brother Robert on the 1890 roll also? A Yes sir. His name was sent in with mine.
- Q Did he draw the money? A No sir, he never got it.
- Q Is he a full brother of yours? A Yes sir; full brother.
- Q Who is Ruby Williams? A I don't know.
- Q Who is Fridora Williams? A That is Ruby; my brother is called Ruby sometimes. His name is Robert. Fridora is my niece. Her name was is Fedora Gully; but her name is put down as Fedora Williams with mine and my brother's. She is my niece.
- Q Who is the father of Fridora Gully? A Willis Gully.
- Q When were all these names sent in? A In 1890.
- Q In 1890 and 1891 your sister had you and your brother Robert enrolled? A Yes sir.
- Q How do you know? A She told me. I was but a kid and didn't know anything about it myself.

NY MR. MURPHY:

- Q When were you born? A They said I was born in 1876. My father told me so.
- Q In what month were you born? A In September--the 9th of September 1876.
- Q You say in 1898 you were just 21 years past? A I was 22 in September, 1898.
- Q What name were you known by in 1898? A By both names, Gilbert and Williams.
- Q What is your first name? A Henry Williams.
- Q What was your father called? A Hoston Williams. That is the name he was called by until I was quite a kid.
- Q When was your father first called Gilbert? A I don't know; it was 8 or 10 years ago; not less than 8 years ago.
- Q Was he known as Hoston or H.C. Gilbert? A Both. He goes by both names.
- Q Up to about ten years ago he was known as Hoston Williams?
- A Yes sir.
- Q How came him to change his name? A Because he liked the name Gilbert I suppose.
- Q How old is your father? A He is 80 odd.
- Q Do you mean to say he was known by the name of Williams until he was 48 years old and then changed to Gilbert? A I don't know exactly his age.
- Q When were you first called Gilbert? A In 1898.
- Q Who first called you Gilbert? A Myself.
- Q How came you to do it? A Because I wanted to call myself by the name of my father and my uncles.
- Q When was your brother commenced to be called Gilbert?
- A I don't know.
- Q Did you make a record of it? A No sir.
- Q Do you know whether your brother has ever changed his name?
- A No sir; I don't suppose he has.
- Q Is he still going by the name of Williams? A I don't know.
- Q What name did you ask go by in prison? A Frank Miller.
- Q When did you take that name? A When I was arrested I told them my name was Frank Miller. That is the name I went by all the time in prison. I can refer you to the man in charge and he can tell you so.
- Q Were you ever pardoned by the governor of Texas? A No sir, I am working at that now. I have not been pardoned yet.
- Q You were not known by Gilbert in 1890? A No sir.
- Q What name then? A Williams.
- Q What was your name in 1896? A By the name of Williams.
- Q You were not called Gilbert then? A Not that I knew anything about. I never transacted any business by the name of Gilbert until 1898.
- Q What name did your sister give for your enrollment in 1890?
- A Henry Williams.
- Q How do you know? A She told me.
- Q Then all you know about this is what she told you? A Yes sir.
- Q All I know about anything is what is told me. I was but a kid then.
- Q You say you got the 1898 payment? A Yes I drew the money in 1898.
- Q Who sent your name in then? A I did.



- Q Did you draw the money? A Hennie Havins signed the roll for me and got the money, and turned it over to me. I saw him sign it.
- Q How long do you expect to stay in the Creek Nation? A I expect to stay until I want to go somewhere else.
- Q Do you intend to go to Texas? A No, I got enough of Texas.
- Q Are you living here? A I am.
- Q Do you expect to go away soon? A I am here to live until I want to go away. I am now living in the Creek Nation.
- Q You are not settled where you are going yet? A I am settled in the Creek Nation.
- Q If you can't get any land in the Creek Nation you are going to the Chickasaw Nation, eh? No I will stay here; my sister and brother and my folks got land. If I can't get any land I can stay with them. I have as much right to land here as they have.

BY THE COMMISSION:

- Q What was your mother's name? A Hepsie.
- Q What was her last name? A I don't know her last name.
- Q Was she ever known by any other name than Mary Williams?
- A Mary Gully her first husband was named Gully.
- Q What was the first name she was known by? A The first that I know of was Mary Ard.
- Q Was she ever known as Mary Willis? A If she was I don't know; you the one called her husband Gully Willis.
- Q Did she ever go by the name of Gully? A It may be Willis on the Dunn roll, her husband's name was Gully Willis.

BY MR. MURPHY.

- Q Do you know of any one who went by the name of Lou Jefferson?
- A No I never did; if my sister went by that name I never knew it.

BY THE COMMISSION:

The roll prepared by J.W. Dunn prior to March 14, 1887, examined; the name of the applicant is not identified upon said roll under any of the names given by the witness in his testimony.

The 1890 authenticated roll of the Creek Nation, Canadian Town, examined and the applicant's name is not found thereon. The 1891 omitted roll of the Creek Nation, Canadian Town, examined, and the name of the applicant, Henry Williams, is found thereon at No. 431. The figures "25" struck through by pencil and payment is not receipted for.

The 1898 pay roll of the Creek Nation examined and the applicant is not identified thereon.

The 1898 omitted roll of the Creek Nation, Canadian Town, examined and the applicant appears thereon at page 35 under the name of Henry Williams, together with Mary Williams and Vidora Williams, the latter being listed for enrollment on Creek Freedman Card No. 1428.

The records of the Commission examined and it appears therefrom that Weston Gilbert and his two sons, Henry and Robert Gilbert, have been listed for enrollment as Chickasaw Freedmen. See Chickasaw Freedman card No. 407. Their enrollment as such was approved by the Secretary of the Interior December 12, 1902, roll Nos. 1873, 1874 and 1875. Said Henry Gilbert appears as No. 2 and the following notation appears on said card: "No. 2 in Texas penitentiary and husband of Carrie Gilbert on Chickasaw freedman card No. 389". Said card is dated September 12, 1900.



On Creek Freedman card, field No. 1385, roll No. 1845, appears the name of Lou Bruner, together with her husband, Samuel Bruner, and her seven minor children. The said Lou Bruner being according to the testimony of the applicant his sister.

The 1890 authenticated roll of the Creek Nation examined and the names of Lou Jefferson, together with Ben, Lisa, Mary and Hannah Jefferson appear thereon at page 76, Canadian Col. Town; and it appears that all of said names have been enrolled on Creek Freedman card No. 1385 except Ben Jefferson.

BY THE COMMISSION:

- Q Who is Ben Jefferson? A I don't know. I guess some of these people down on One Creek where she was living at the time.
- Q If it should be found that you are entitled to enrollment in either the Creek or the Chickasaw Nation, in which nation do you elect to be enrolled, take allotment of land and receive distribution of money? A In the Creek Nation.

BY MR. MURPHY:

- Q You say your sister Lou was a half sister? A Yes sir.
- Q Was your sister known by any other name? A Yes, sir, she was known as Jones. She married a man named Jones.
- Q Did she go by the name of Jumpier? A Yes sir, that was a nickname she had.
- Q Do you know whether she ever went by the name of Mollie Jefferson?
- A No sir, there was a Lela Jefferson.

THE COMMISSION.

Pere Bruner, after being duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Pere Bruner.
- Q What is your age? A I am 70 or more.
- Q What is your post office? A Pere, I.T.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q Do you hold any official position in the Creek Nation? A Yes sir.
- Q What position? A Town king of Canadian Colored.

The records of the Commission examined and it appears therefrom that Pere Bruner is regularly listed for enrollment as a Creek freedman on Creek freedman card, field No. 1, approved roll No. 1.

- Q Do you know the applicant, Henry Williams? A Yes sir.
- Q Is he a member of your town? A Yes sir.
- Q What is the name of his father? A Ross Williams.
- Q Was he a citizen of the Creek Nation? A No sir.
- Q Does he belong to any nation? A Chickasaw Nation.
- Q Is he living or dead? A I am not able to say.
- Q Did you know Henry Williams' mother? A Yes sir.
- Q What was her name? A Mary.
- Q Is she living? A No sir.
- Q When did she die? A That I am not able to say, sah.
- Q Does Mary Williams' name appear upon the jump roll? A I can't say, but I am satisfied she was a Creek citizen.

- Q Did you know her to be a member? A Yes sir.
- Q What was her name? A Hepsie. *Hepsie*
- Q Does her name appear upon the Dunn roll? A She died before the Dunn roll was made.
- Q Was Mary Williams living when the Dunn roll was made? A I think so. I don't know whether they got her name; when the first roll was made, the people were scattered mighty bad and it was hard to get all their names.
- Q What was the name of Henry Williams' mother when the roll was made? A Mary Williams.
- Q Did she have a husband before that time? A Mary Willis, yes sir.
- Q Is Henry Williams a member of your town? A Yes sir.
- Q Did he draw the \$29 payment? A I think he did. There was no reason for him not to draw the payment. I was not the town king at that time; I was only a warrior.
- Q Did Henry Williams draw the \$14.40 payment? A He did.
- Q Did you enroll him? A The \$14.40 payment in 1895; I was only a warrior then. I was a member of the Colbert Commission. That is the truth sir.
- Q Do you know this applicant here to be Henry Williams? A I know him to be the person he represented himself to be; he is the identical person he represents himself to be.
- Q It is no mistake is it? A No mistake, sir, he has been living in the Chickasaw Nation some 12 of the time.
- Q Do you keep track of your people down in the Chickasaw Nation? A I try the best I can. I encourage them to come over on their own side and file. I try to get them to go the Dawes Commission and file. If you will look on the roll you will see that I was the first one from my town to file. I beg them to follow after their old leader and they done it.
- Q Do you know the sister of the applicant in this case? A I cant place her.
- Q Do you know whether Henry Williams had a sister or not? A I cannot place her, sir.
- Q Uncle Paro, is it not somewhat peculiar that you know this man so well, and you knew his father and mother and now do you know whether he had a sister or not? A I might have known her under another name. Sometimes I know a family-- I know the man and do not know his heirs. That is the way with me and Henry; I know he had a father and his father was named Boss Williams that Boy's father was Boss Williams.
- Q Do you know Lou Bruner? A Yes, sir, yes sir.
- Q What was her husband's name? Her first husband was Gully Willis.
- Q I will ask you uncle Paro, if you know Samuel Bruner? A Yes sir.
- Q What town does he belong to? A Tuckabatchee.
- Q Lou Bruner is his wife, is she? A She is honestly.
- Q Has Lou Bruner any brothers? A She had some brothers. Willis was one I believe.
- Q Do you know Lou Bruner's mother, A Yes sir.
- Q Was it Hepsie? A Yes sir.
- Q Is Lou Bruner the wife of Samuel Bruner? A She is for a fact.
- Q Where does Samuel Bruner live? A In Tuckabatchee town.
- Q What is his post office? A Well, sir, it is bound to be Bearden.
- Q Was she ever known by the name of Lou Jefferson? A Yes sir.
- Q Has she any children named Jefferson? A Yes sir, she has a good sized girl named Jefferson; she was married to a man named The Jefferson.
- Q That Lou Bruner or Lou Jefferson is not a sister of the applicant, is she? A Yes, she is a sister to him.
- Q She is? A No, the old man might be mistaken. Give me a chance or I will get mixed up. (a pause) You ask me if Lou Jefferson is a sister of this man--yes sir she is.

- Q Now, uncle Pare, while ago, you said ~~th~~ if the applicant had a sister you did not know anything about it, didn't you. You stated a few minutes ago, in answer to the question as to whether Henry Williams had a sister, if he had one you could not place her? A He had a sister and a brother.
- Q I asked you a while ago if he had a sister and you said if he had you could not place her, were you then correct or not?
- A That is whether Henry Williams had a sister? he must have had a sister. The Jefferson's daughter is bound to be his sister.
- Q Then your statement a few minutes ago that he had no sister was not correct? A He had a sister. The Jefferson's daughter was his sister. I don't know her name.
- Q That sister of Henry Williams you spoke of a while ago, is not this Lou Bruner you know so well is it? A A sister of this young man; she is a daughter of Lou.
- Q So Lou Jefferson or Lou Bruner has a daughter and she is the sister of Henry Williams, is she? A No, that cannot be correct. Lou Bruner is a sister to him.
- Q Is Lou Bruner or Lou Jefferson a sister to Henry Williams?
- A Yes sir.
- Q Are you certain about that, uncle Pare? A I am satisfied that Lou Bruner is his sister.
- Q Did you ever see this man before today? A Yes sir.
- Q How many times? A A good many times.
- Q Are you well acquainted with his family? A Yes sir.
- Q If you are so well acquainted with his family why can't you tell whether he has a sister? A I just couldn't remember.
- Q Is his sister Samuel Bruner's wife? A Yes sir. She is Sam Bruner's wife.
- Q Now, uncle Pare, your statement ~~you~~ you made a few moments ago that Henry Williams had no sister was a mistake, was it? A I am subject to make mistake.
- Q You are sure now that you are not mistaken? A This last question? No sir I am not mistaken.

SAMUEL BRUNER.

Samuel Bruner, after being duly sworn, testified as follows:

By the Commission.

- Q What is your name? A Samuel Bruner.
- Q What is your age? A I don't know; 48 I believe.
- Q What is your post office? A Bearden, Indian Territory.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q Of what town? A Tuckabatchee.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Lou Bruner.

The records of the Commission examined and it appears there from that Samuel Bruner is regularly listed for enrollment on Creek freedman card, No. 1385, approved roll No. 4642, together with his wife, Lou Bruner, and their seven minor children.

- Q Do you know the applicant, Henry Williams? A Yes sir.
- Q How often have you seen him? A I cannot tell you how often. He was partly raised in the nation but did not stay here all the time.
- Q What is his father's name? A Boss Williams.
- Q Is Boss Williams a citizen of the Creek Nation? A No he is a citizen of the Chickasaw Nation.
- Q Is Henry Williams the only son or did he have a brother?
- A He has a brother.
- Q What is his name? A Willis Cully.
- Q Has he another brother? A Yes sir.
- Q What is his name? A Robert Williams.
- Q What is the name of the mother of Henry Williams? A Mary.
- Q Is Mary Williams living? A No she is dead.
- Q How long has she been dead? A I don't remember.
- Q About how long? A About 15 years or longer.
- Q Was Mary Williams the mother of Henry Williams? A Yes sir.
- Q Was she a Creek Freedman? A I don't know for certain.
- Q Did Mary Williams have any other children than Henry Williams?
- A Yes sir.
- Q What are their names? A Robert Williams and she had a baby that died, it was a little girl named Cora.
- Q Did she have any other children? A Yes sir.
- Q What their names? A Willis Cullie and Lou Bruner.
- Q Who is the father of Lou Bruner? A Cully Willis.
- Q Was Lou Bruner married? A Yes sir.
- Q Was she married more than once?
- A Yes sir.
- Q Did Lou Bruner, your wife, ever go by any other name except Willis and Bruner? A She went by the name of Lou Jeffersob after she was my wife. Meand her separated and she married a man named Jefferson and then they separated and we married the second time.
- Q When were you married to your present wife, Lou Bruner, the second time? A I don't remember.
- Q Do you know of your own personal knowledge that Lou Bruner, your present wife, is a sister to the applicant, Henry Williams?
- A Yes sir.
- Q You know that of your own knowledge? A Yes sir.
- Q Did Henry Williams and your wife have the same mother? A Yes sir.
- Q Did they have different fathers? A Yes, sir, different fathers.
- Q What you have testified about Lou Bruner and Henry Williams being brother and sister and having the same mother is of your own knowledge and not what some one has told you, is it? A I know it.
- Q Do you remember when Henry Williams was born? A No sir.
- Q Do you remember when he was a little boy? A Yes sir.
- Q Do you know when Lou Bruner was born? A No sir.
- Q Have you known her all her life time? A I have known her only since she was 10 or 12 years old.
- Q What town does Henry Williams belong to? A I am not sure but I think Canadian.
- Q Do you know Fridora Williams? A No sir.
- Q Do you know Baby Williams? A No sir.
- Q Is Henry Williams here, who is the applicant in this case for enrollment as a citizen of the Creek Nation, is he the identical Henry Williams who is the brother of your wife, Lou Bruner?
- A Yes sir.
- Q Do you know that to be a fact? A Yes sir.

INDIAN TERRITORY  
WESTERN DISTRICT.

I, S.A. Apple, stenographer to the Commission to the Five Civilized Tribes, state on oath that I reported the above styled proceedings before the Commission on August 28, 1903, and that the foregoing transcript is a true and correct translation of my stenographic notes taken in said case.

(Signed) S.A. Apple,

Subscribed and sworn to before me this September 1, 1903.

(SEAL)

(Signed) Edward Herrick,  
Notary Public.

Lena Herrick, being duly sworn, states that the above and foregoing is a true and correct copy of the original proceedings had on said date in said cause.

Lena Herrick

Subscribed and sworn to before me this 10 day of May, 1905.

Edward Herrick  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 31, 1904.

In the matter of the application for the enrollment of Mannie Buckner as a citizen by blood of the Creek Nation.

APPEARANCES: M. L. Mott Attorney for Creek Nation.

WILEY BUCKNER, being duly sworn, testified as follows:  
Through Official Interpreter Alex Posey:

By Commission:

- Q What is your name? A Wiley Buckner.  
Q How old are you? A Forty-five.  
Q What is your post office address? A Hasson.  
Q You desire to make application for the enrollment of your minor child, Mannie Buckner, as a citizen by blood of the Creek Nation? A Yes, sir.  
Q How old is Mannie Buckner? A Born on the 8th of March, 1901.  
Q Is he now living? A Yes, sir, he is living.  
Q Are you the father of Mannie Buckner? A Yes, sir.  
Q Who is the mother? A Susie Buckner.  
Q Is Susie Buckner your wife? A Yes, sir.  
Q Are you and your wife citizens of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears that Wiley Buckner and his wife, Susie Buckner, and regularly enrolled as citizens by blood of the Creek Nation, on Creek Indian Card, Field No. 3313, and that their names, together with the names of two of their children, Scott and Nancy Buckner, are included in the partial list of Creek Indians by blood, approved by the Secretary of the Interior March 28, 1902, Nos. 8541 to 8544, inclusive.

- Q What town do you belong to? A Okohaye.  
Q What town does your wife, Susie, belong to? A Cussetta.

-----0:-----

I, Drennan C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

*Drennan C. Skaggs*

Subscribed and sworn to before me this 24<sup>th</sup> day of September, 1904.

*H. J. Martin*  
Notary Public.



*D. D.*

*D. D.*

En. 678

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Mannie Buckner as a citizen by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on August 31, 1904, Wiley Buckner appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his minor child, Mannie Buckner, as a citizen by blood of the Creek Nation.

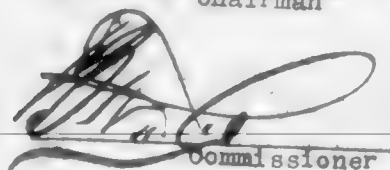
The evidence shows that said Mannie Buckner is the son of Wiley Buckner and Susie Buckner and that the names of said Wiley and Susie Buckner, together with the names of two of their children, are contained in the partial list of Creek Citizens by blood approved by the Secretary of the Interior March 28, 1902, Roll Nos. 8541 to 8544, inclusive.

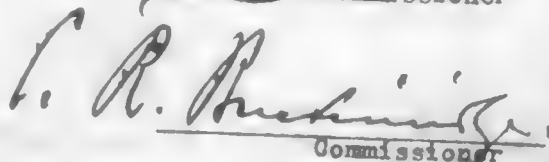
The evidence further shows that said Mannie Buckner was born March 8, 1901, and was living at the date of the application herein.

It is, therefore, the opinion of this Commission that said Mannie Buckner should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the act of Congress June 30, 1902 (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Chairman

  
Commissioner

  
Commissioner

Muskogee, Indian Territory



Creek Band No. 2812

IN RE

Application for Enrollment of

INFANT CHILD

Mannie Buckner

as a citizen of

Creek Nation.

Approved, ..... 190...

.....  
Commissioner.

Record Sept 8<sup>th</sup> 1904.

# DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.

I, *HN* Application for Enrollment, as a citizen of the *Creek* Nation,  
 of *Mannie Buckner*, born on the *8th* day of *March*, 190*6*  
 Name of Father: *Wiley Buckner*, a citizen of the *Creek* Nation.  
 Name of Mother: *Lucie Buckner*, a citizen of the *Creek* Nation.  
 Post-office, *Thurman, Ind. Ter.*

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA.

INDIAN TERRITORY,  
*Northern* District.

I, *Lucie Buckner*, on oath state that I am *25*  
 years of age and a citizen, by *blood*, of the *Creek* Nation;  
 that I am the lawful wife of *Wiley Buckner*, who is a citizen, by  
*blood*, of the *Creek* Nation, that a *male* child was  
 (male or female)  
 born to me on the *8th* day of *March*, 190*6*; that said child has been  
 named *Mannie Buckner*, and is now living.

WITNESSES TO MARK

(Must be Two  
Witnesses)

*J. G. Harrison*  
*L. E. Mayan*

*Lucie Buckner*

Subscribed and sworn to before me this *5th* day of *Sept*, 190*6*  
*My Com Exp Oct 5th, 1907* *Horace Wilson*  
 NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA.

INDIAN TERRITORY,  
*Northern* District.

I, *Lizzie Buckner*, a *midwife*, on oath state that I  
 attended on Mrs. *Lucie Buckner*, wife of *Wiley Buckner*,  
 on the *8th* day of *March*, 190*6*; that there was born to her on  
 said date a *male* child; that said child is now living and is said to have been  
 named *Mannie Buckner*.

WITNESSES TO MARK

(Must be Two  
Witnesses)

*J. G. Harrison*  
*L. E. Mayan*

*Lizzie Buckner*

Subscribed and sworn to before me this *5* day of *Sept*, 190*6*  
*My Com Exp Oct 5th, 1907* *Horace Wilson*  
 NOTARY PUBLIC.

En. 676.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John J., Perdoy, Suggs, Blanche, Melvin and Johnnie Moore as Creek freedmen.

DECISION.

The record in this case shows that on August 31, 1904, John J. Moore appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his five minor children, Perdoy, Suggs, Blanche, Melvin and Johnnie Moore, as Creek freedmen. Further proceedings were had November 17, 1904, September 2, September 12 and October 13, 1905.

The evidence shows that said John J. Moore was fifty years old at the date of the application herein and that he is not identified on the roll of Creek freedmen made by J. W. Dunn prior to March 14, 1867; that said Perdoy Moore, Suggs Moore, Blanche Moore, Melvin Moore and Johnnie Moore are the minor children of said John J. Moore and that they, or any of them, are not the descendants of a person whose name appears on said roll, and that no claim is made that the mother of said minor children is entitled to enrollment as a citizen of the Creek Nation.

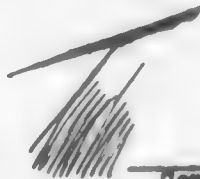
It does not appear from the evidence that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor have they, or any of them, ever been admitted to citizenship in said nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

The act of Congress approved April 26, 1906 (Public No. 129), provides in part as follows:

" That the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J. W. Dunn, under authority of the United States prior to March fourteenth, eighteen hundred and sixty seven, and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of said roll, and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior."

-2-

I am, therefore, of the opinion that, following the ruling of the Department in the case of Priscie Carruthers (I.T.D. 8886-1908), the said John J. Moore, et al. are not entitled to be enrolled as Creek freedmen under the provision of law above quoted and that the application for their enrollment as such should be denied, and it is so ordered.



\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,

Jan 5 1909

Wlsx  
Creek No. 578

Muskogee, Indian Territory, January 6, 1906.

M. L. Nett,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Mannie Buckner as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Mannie Buckner will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman,

HCH-13

✓  
Or En 676

Huskogee, Indian Territory, December 15, 1905.

John J. Moore,

Inola, Indian Territory.

Dear Sir:

Receipt is acknowledged of your communication of December 8, 1905, in which you ask the status of the application for your enrollment as a Creek Freedman.

In reply you are advised that the application for the enrollment of yourself and minor children as Creek Freedmen is pending before this Office, that it does not appear at the present time that further evidence is necessary in said case, and that when final action is had in the matter, you will be duly notified.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July 14, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

August 31, 1904, John J. Moore appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself and his children, Perdoy, Suggs, Blanche, Melvin and Johnnie Moore, as Creek Freedmen. March 15, 1905, decision was rendered by said Commission denying said application. April 19, 1906, the record and decision in the case were transmitted to the Department for consideration.

The Department under date of August 3, 1905 (I.T.D. 4846-1905), remanded the record in the case for further hearing, in order that further opportunity might be given the principal applicant to show whether or not he is entitled to be enrolled and the exact date of his final return to the Creek Nation to permanently reside.



August 12, 1905, the parties in interest were informed of the action of the Department and were notified to appear before the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, August 31, 1905, for the purpose of submitting further evidence.

The Department under date of April 25, 1906, requested, in the readjudication of the remanded record in this case, that this office indicate under which of the approved opinions of the Assistant Attorney General for the Department in the analogous Creek enrollment cases of Joe Harrison (I.T.D.13454-1905), and Etta Scott, et al., (5228-1906), the case of John J. Moore, et al. is readjudicated.

The evidence submitted in the later proceedings had on September 7 and 12 and October 13, 1905, differs in no material respect from that upon which the decision of the Commission under date of March 15, 1905, was based.

Section 3 of the act of Congress approved April 26, 1906 (Public No.129) having special reference to Creek freedmen provides:

"That the approved roll of Greek freedmen shall include only those persons whose names appear on the roll prepared by J. W. Dunn, under authority of the United States prior to March fourteenth, eighteen hundred and sixty seven, and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Greek Nation subsequent to the date of the preparation of said roll, and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior."

The Assistant Attorney General for the Department in an approved opinion, dated May 31, 1906, in the matter of the application of Prissie Carruthers for enrollment as a freedman citizen of the Greek Nation, (a case analogous to that of John J. Moore, et al.), referring to the above provision of law, states: "Congress has now made the Dunn roll final and conclusive as to all applicants of this class, whose enrollment has not been approved by the Secretary of the Interior."

A new decision in this case has been rendered by the Commissioner to the Five Civilized Tribes denying the application for the enrollment of John J. Moore, et al., as Greek freedmen, under the provisions of the act of Congress approved April 26, 1906, which said decision

-4-

together with the record in the case is transmitted  
herewith.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Commissioner.

AG-1-28

-Copy-

Land.  
65720-1906

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

November 19, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report dated July 14, 1906, from Commissioner Bixby, transmitting for Departmental consideration, the record in the matter of the application of John J. Moore, for the enrollment of himself and his children, Perdoy, Suggs, Blanche, Melvin, and Johnnie Moore, as Creek Freedmen.

It appears from the records that on August 31, 1904, John J. Moore appeared before the Commission to the Five Civilized Tribes and made application as above. On March 15, 1905 decision was rendered by the Commission denying the application. April 19, 1905, the record and decision in the case were transmitted to the Department for consideration. The Department under date of August 3, 1905, remanded the record for further hearing for the purpose of allowing the principal applicant opportunity to more completely establish his right to be enrolled and of ascertaining the exact date of his final return to the Creek Nation to permanently reside.

In response to a notice of the action of the Department dated August 12, 1905, the parties in interest appeared before Commissioner Bixby at Muskogee, on August 31, 1905, for the

purpose of submitting further evidence.

Commissioner Bixby finds that the evidence submitted in the proceedings had in pursuance of the Departmental action on September 2 and 12, and October 13, 1906, differs in no material respect from that on which the decision of the Commission under date of March 15, 1905, was based.

The evidence shows that John J. Moore was about fifty years old at the date of his appearance, and that he is not identified on the roll of Creek freedmen made by J.W. Dunn, prior to March 14, 1867; that Perdoy Moore, Suggs Moore, Blanche Moore, Melvin Moore, and Johnnie Moore are minor children of John J. Moore, and that they, or any of them are not descendants of a person whose name appears on the Dunn Roll. No claim is made that the mother of the minor children is entitled to enrollment as a Creek citizen. On this state of facts and on the further showing that none of the applicants have ever been enrolled as Creek citizens, nor been admitted to citizenship by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory, the Commissioner recommends that the application be denied, and cites as authority therefor, Section 3 of the Act of April 26, 1906, (34 Stat. L., 137) which reads as follows:

That the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J.W. Dunn, under authority of the United States prior to March fourteenth, eighteen hundred and sixty-seven, and their descendants born since said roll was made and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the

preparation of said roll, and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior.

The approved opinion of the Assistant Attorney General for the Department, (I.T.D. 5286-1906) dated May 31, 1906, in the matter of the application of Prissie Carruthers, analogous hereto, is also cited by the Commissioner as sustaining his recommendation.

This office has examined the record in this case, and finds Commissioner Bixby's conclusions as to facts are correct, and recommends that his report be approved, and for the reasons given by him, the application of John J. Moore, et.al, for enrollment as Creek freedmen, be denied.

Very respectfully,

C. F. Larrabee,

Acting Commissioner

AJW-NL

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

I.T.D. 4846-1906  
23198-1906  
LRS.

December 1, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

November 29, 1906 (Land 65720), the Indian Office transmitting the remanded report in the matter of the application of John J. Moore for the enrollment of himself and his five minor children, Perdoy, Suggs, Blanche, Melvin, and Johnnie Moore, as Creek Freedmen, wherein by your decision dated July 30, 1906, you denied said application, recommended that your decision, adverse to the applicants, be approved. A copy of its letter is inclosed.

In view of the act of April 26, 1906 (34 Stat., 137), providing for the enrollment of Creek freedmen, and in accordance with the approved opinion of the Assistant Attorney-General for this Department in the Creek Freedman case of Prussia Garruthers (I.T.D. 10016-1906), your decision, denying the above application is hereby approved.

Your attention is invited to the fact that your decision in the above case is dated July 30, 1906, and your letter of transmittal of the record, including said decision, is dated July 14, 1906, sixteen days previous to the date of the decision.

The record has this day been returned for the files of the Indian Office.

Through the Commissioner  
of Indian Affairs  
1 inc. and 7 to Ind. Of.

Respectfully,

Thos. Ryan  
First Assistant Secretary



No. 676.

Muskogee, Indian Territory, December 12, 1906.

M. R. Nett,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

DEAR SIR:

You are hereby advised that the Secretary of the Interior under date of December 1, 1906 (I.T.D. 4846-1905, 4346-1905) approved the decision of the Commissioner to the Five Civilized Tribes, dated June 30, 1906, denying the application for the enrollment of John J. Moore et al. as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

En. 676.

Muskogee, Indian Territory, December 12, 1906.

John J. Moore,

Inola, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of December 1, 1906 (I.T.D. 4846-1905, 23198-1906) approved the decision of the Commissioner to the Five Civilized Tribes, dated June 30, 1906, denying the application for the enrollment of yourself and minor children as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

ESTABLISHED 1911

# FARMERS STATE BANK

CAPITAL AND SURPLUS \$27,500.00

DEPOSITS GUARANTEED

J. W. GILLILAND, PRESIDENT  
ROBT. MCRAE, ACTIVE VICE-PRESIDENT  
G. W. HARPER, CASHIER

HANNA, OKLAHOMA



State of Oklahoma } ss  
County of McIntosh }

Wiley Beckner, first being duly sworn  
testifies as follows:

That he is a full blood citizen of the Creek  
Nation, enrolled opposite approved Creek Roll No. 8541  
and that he is the father of Mannie Beckner  
a male child enrolled as Mannie Beckner, fresh  
Creek Roll No 9932; That the enrollment records  
are in error in showing this person as a female  
and that Mannie Beckner and Mannie Beckner  
are one and the same person,

Wiley Beckner

Subscribed and sworn to before me, a Notary  
Public, this 14<sup>th</sup> day of April, 1920

My Commission Expires  
July 26-1923

Notary Public

CR EN 677

CR EN 679

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T., August 31, 1904.

In the matter of the application of Sidney Hawkins for the enrollment of himself as a Creek Freedman.

( E. Mastain Atty. for applicant,  
APPEARANCES:  
( M. L. Nett Atty. for Creek Nation.

SIDNEY HAWKINS, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Sidney Hawkins.  
Q How old are you? A Forty-five.  
Q What is your post office address? A Wildcat.  
Q You desire to make application for the enrollment of yourself as a citizen of the Creek Nation? A Yes, sir.  
Q As a Freedman? A Yes, sir.  
Q Have you any other members of your family you wish to make application for? A No, sir, I am just alone.  
Q What is your father's name? A Peter Hawkins.  
Q Is he living or dead? A Dead.  
Q How long has he been dead? A About twenty-six years.  
Q Was he a citizen of the Creek Nation? A Yes, sir.  
Q What town did he belong to? A Well I can't tell you what town he belong to.  
Q You don't know that? A No, sir.  
Q What is the name of your mother? A Syhea.  
Q Is she living or dead? A Dead.  
Q When did she die? A 1900 she died.  
Q Was she a citizen of the Creek nation? A Yes, sir, she was born right in this country.  
Q What Indian Town did she belong to? A Arkansaw.  
Q If your mother belong to Arkansaw town, then that is the town you belong to? A Yes, sir, I belongs to the same town too.  
Q How long have you lived in the Creek nation? A Fourteen years.  
Q Where were you born? A I's born in Texas-----I----I was born in Texas.  
Q where did you live from the time of your birth until you moved to the Creek Nation? A In Texas.

The case is continued for the purpose of giving the applicant an opportunity of offering further evidence.

-----O:-----

I, Drennan C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 24 day of September, 1904.

*Drennan C. Skaggs*  
*H. B. Martine*  
Notary Public.

En. 679.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, MARCH 24, 1905.

-00000-

In the matter of the application for the enrollment of  
Sidney Hawkins as Creek Freedman.

APPEARANCE: BURT G. WOOD, Attorney for applicant.

LENA PETERS, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

- Q That is your name? A Lena Peters.  
Q How old are you? A Fifty-eight.  
Q What is your postoffice address? A Lee.  
Q Do you know Sidney Hawkins? A Yes, sir.  
Q Do you know the name of his father? A No.  
Q Do you know his mother? A Yes.  
Q What is her name? A Sikey.  
Q Is she living? A She is dead--she died at my house.  
Q Do you know when she died? A She has been dead five years.  
Q Do you know whether she was enrolled by the Commission before she died? A No--but she was down here--but I think she did---  
I do not know whether she did or not.  
Q Did she ever have any other name? A It is either Sikey McIntosh  
or Sikey Hawkins.  
Q Was she an Indian? A She was a Freedman but had Indian blood  
in her.  
Q Do you know to what town the mother of Sidney Hawkins belonged?  
A Arkansas.  
Q Did you ever hear her called any other name besides Sikey? A No,  
none other but Sikey.  
Q Did you ever hear her called Sybee? A No. It might have been  
that in Indian, I do not know.  
Q Has she any children enrolled? A She has not.

The 1890 Authenticated Tribal Roll of the Creek  
Nation examined and the applicant's mother is not identi-  
fied thereon, neither is the applicant identified on that  
roll.

- Q Did you know Sidney Hawkins here in the Creek Nation? A Yes.  
Q How long have you known him? A About twelve years, I guess.  
Q Did you know his mother before the war? A I did not.  
Q Did you know her right after the war? A No.  
Q When did you first know his mother? A Same time I knew him,  
about twelve years or thirteen years ago.  
Q Do you know whether she drew the 1890 payment or not? A No, sir.  
Q Do you know whether she drew the 1893 payment? A I do not, she  
just told me of coming down and putting in an application.  
Q Was she regarded as a Creek Indian by those who knew her? A Yes,  
she could talk Creek well--she could talk Indian--she could  
talk but very little English.

EXAMINATION BY BURT G. WOOD:

- Q Did Sidney Hawkins have any sisters? A Yes, one to my knowing.  
Q What was her name? A Puss.

Sidney Hawkins... #2.

- Q Has he a sister by the name of Hollie? A He may have ---I have known his sister for some twenty some odd years.
- Q But you do not know Hollie? A No, and I am here to tell the truth and I am not going to tell nothing but the truth.
- Q Did the Creek citizens here recognize Sidney's mother as an Indian or as a Freedman? A Freedman, I guess so---now I do not know what they regarded her. She talked Indian; she did not talk very much English---I am here to tell the truth---
- Q Did she talk the Creek language? A Yes, she talked Creek.

EXAMINATION BY THE COMMISSION:

- Q Did this sister of Sidney's, at you know, enroll and receive her land? A Yes.
- Q What is her name? A Puss.
- Q That is her other name---has she any other name besides just Puss? A That her other name is I do not know---but I know Puss Barnett--and I know boys is Puss Barnett and the other is Wash Barnett.
- Q Do you know the name of a sister of Sidney Hawkins's called Le-  
ticia Puss? A Yes---Lettie Broadnax.

The records of the U. S. Citizenship Commission, and only known to the United States Commission, examined and on page 51 of said book, it appears that Sybil Hawkins made application to said Commission to be admitted to citizenship in the Creek Nation for herself and her children and grandchildren; that among the children named in said application were Sidney Hawkins and Leta Broadnax.

On page 51 1/2 of said book it appears that a decision of the Commission was rendered denying said application for citizenship.

Under the provisions of the Commission to the United States Commission to the Five Civilized Tribes, under act of Congress of June 6, 1906, as amended, it does not appear that application was made for citizenship in the Creek Nation for the said Letitia Puss.

At the request of the attorney for the applicant herein, it is ordered that further evidence is offered, and in the event that no further evidence is offered, then said time for case may be considered closed.

Terre Ellen Parrish, being sworn to her oath, states that as stenographer of the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in case.

*Terre Ellen Parrish*

Subscribed and sworn to  
before me this 25th day of  
March, 1905.

*Edw. Collins*  
Notary Public.



D. L.

En. 679.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Sidney Hawkins as a Creek Freedman.

SUPPLEMENTAL STATEMENT.

Roll of Creek Freedmen made by J.W. Dunn prior to March  
14, 1867, examined and the applicant herein is not identified on  
said roll.

Tribal rolls of the Creek Nation in the possession of the  
Commission examined and the applicant is not identified on any of  
said rolls.

  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory.  
April 28, 1905.

En. 679.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Sidney Hawkins as a Creek Freedman.

DECISION.

The record in this case shows that on August 31, 1904, Sidney Hawkins appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Creek Freedman. Further proceedings were had March 24, and April 28, 1905.

The evidence shows that said Sidney Hawkins was forty five years old at the date of the application herein and that he is not identified on the roll of Creek Freedmen made by J.W. Dunn prior to March 14, 1867.

The evidence further shows that the applicant has never been enrolled as a citizen of the Creek Nation, nor has he ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It further appears from the evidence that application was made to the Creek Citizenship Commission, commonly known as the Colbert Commission, for the admission of the applicant herein to citizenship in the Creek Nation, and that said application was denied.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Sidney Hawkins as a Creek Freedman, and that the application for his enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,  
JUN 14 1905

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sidney Hawkins, as a Creek Freedman.

MOTION TO REOPEN.

Comes now the applicant herein and moves that the decision in the above entitled cause be reconsidered and that said cause be reopened for the following reasons, to-wit:

First: Because the record does not disclose the fact that Peter Hawkins, the father of applicant is enrolled upon the Dunn Roll.

Second: Because when the said Peter Hawkins was enrolled on the Dunn Roll, and became a citizen of the Creek Nation, this applicant was a minor, and the status of his citizenship became established, and and became the same as that of the father.

WHEREFORE, applicant prays that his case be reopened and that he be permitted to establish the above state of facts. That he be allowed a reasonable time within which to file affidavits in support of this motion.

Respectfully submitted this 28 day of June, 1906.

By \_\_\_\_\_

His Attorney.

Service of a copy of the foregoing motion accepted this ~~xx~~ 22nd day of June, 1906.

\_\_\_\_\_  
Atty for Creek Nation.

Or En 679

(Copy)

H-67-H

Appeal of Sidney Hawkins

Before the Hon Secretary of the Interior  
United States of America  
Western District of The  
Indian Territory-----

Your pititioner Sidney Hawkins appeal from the decision of the Dawes Commissioner upon the ground that he is a creek Freeman.  
Your pititioner shows that his inteirer family is on the Creek Freeman Roll of J. W. Dunn. and they all have been allotted lands in the Creek Nation as the citizens thereof. and he is a decendtn of a Creek Citizens who named is on the Creek Roll of the said Five civized Tribes of Indian of the Creek Nation.

Your pititioner state that His Father was Peter Hawkins, who was a creek Freeman and his named is on the roll for creek freeman on the Arkansas Colord town Roll My brothers and my Sisters are all of the creek roll for Arkansas Town Vly: Jame Hawkins, Molly Hawkins, Mencer Hawkins, Jonnie Hawkins, Phillis Hawkins, Claby Hawkins.

Your pititioner now therefore appeal from the said decision upon the ground set forth in this appeal, the pititioner is a Creek Freeman, and was own by Ben Hawkins, who was an Indian and on the Roll of the Creek Nation, and have resided in Creek Nation all his life, and that all his relation are on the Creek Nation Roll Your pititioner further show that great injustict has been done your pititioner in said decision, and he therefore pray for an appeal, and permit to filed other evidence in his case, that justice may done, that his former owner are liveing at Chacittah I. T, who was a witnesses in the cases of the other applicants, who your pititioner can prove that he is a creek citizen by blood of the creek nation.

This pitition is not filed for delay, but that justice be done for the causes mention therein for which he ever prays

(signed) SIDNEY (his x mark) HAWKINS.

witnesses to mark

J. J. Harfo  
Harry Hawkins

(Endorsements)  
Department of the Interior,  
October 5, 1905.  
Respectfully referred to  
the Commissioner to the Five  
Civilized Tribes for considera-  
tion and appropriate action.  
Thos. Ryan,  
Acting Secretary.  
LRS

46373. Appeal of Sidney Hawkins for Citizenship as a Creek Freeman

#679 Ore En

Department of the Interior. RECEIVED OCT 2, 1905. No. 9661. Indian Territory Division.

Cr.En.679.

Muskogee, Indian Territory, June 27, 1906.

Sidney Hawkins,

Graysen, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the ~~Commission~~ will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.  
IM-6-27-33.

Gr.En.679.

Muskogee, Indian Territory, June 27, 1905.

E. Hastain,

Attorney for Sidney Hawkins,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Sidney Hawkins as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Commission will be made known to you as soon as the Commission is informed of the same.

Respectfully,

IM-6-27-34.

Chairman,

Gr.No. 679.

Muskogee, Indian Territory, June 27, 1906.

M. L. Mott,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Sidney Hawkins as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

LM-6-27-35.

Chairman.



Or.No.679.

Muskogee, Indian Territory, June 27, 1906.

The Honorable,  
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Sidney Hawkins as a Creek Freedman, including the decision of the Commission, dated June 14, 1906.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

IM-692.

#679

DEPARTMENT OF THE INTERIOR,  
Washington.

I.T.D.8998-1905  
L.R 8

August 12, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

June 27, 1905, the Commission to the Five Civilized Tribes transmitted the record of the application of Sidney Hawkins for his enrollment as a Creek freedman/, including its decision dated June 14, 1905, adverse to the applicant.

July 22, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission dated June 14, 1905, adverse to the applicant be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated June 14, 1905, denying the application of Sidney Hawkins for his enrollment as a Creek freedman is hereby affirmed.

Respectfully,

Thos Ryan  
Acting Secretary

1 inclosure

Refer in reply to the following  
Land  
80180-1908

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, July 22, 1908

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 27, 1905, transmitting the record of the application made August 31, 1904, for enrollment as a Creek freedman by Sidney Hawkins.

June 14, 1905, the Commission decided adversely to the applicant.

The record shows that Hawkins was forty five years old at the date of application and that he is not identified on the Dunn roll; that he has never been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal, and that his application to the Colbert Commission was denied.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

O.F. Larrabee  
Acting Commissioner

WOL  
W

En 679

Muskogee, Indian Territory, September 20, 1905.

K. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

You are heroby advised that on August 12, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1905, denying the application of Sidney Hawkins for his enrollment as a Creek Freedman.

Respectfully,

Acting Commissioner.

Cr En 679

Muskogee, Indian Territory, September 20, 1905.

Sidney Hawkins,

Grayson, Indian Territory.

Dear Sir:

You are hereby advised that on August 12, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1905, denying your application for enrollment as a Creek Freedman.

Respectfully,

Acting Commissioner.

Ln 679

Muskogee, Indian Territory, September 20, 1905.

S. Hastain,

Attorney for Sidney Hawkins,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on August 12, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1905, denying the application of Sidney Hawkins for his enrollment as a Creek Freedman.

Respectfully,

Acting Commissioner.

✓  
Cr No 679

Muskogee, Indian Territory, October 10, 1902.

Sidney Hawkins,

Grayson, Indian Territory.

Dear Sir:

Receipt is acknowledged of your communication (without date), by reference from the Secretary of the Interior, in which you state that you desire to appeal from the decision of the Commission to the Five Civilized Tribes, denying the application made by you for enrollment as a Creek Freedman.

In reply you are advised that on August 12, 1902, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, denying your application for enrollment as a Creek Freedman. If you desire to introduce additional evidence in said case, it will be necessary for you to file a motion for rehearing, addressed to the Secretary of the Interior, setting forth the reasons why such evidence was not produced at the former hearing. Said motion should be accompanied by affidavits of the witnesses whom you expect to testify in this case, stating the facts to which they will testify and their means of obtaining knowledge of the same. You are further advised that said motion and affidavits should show service on the attorney for the Creek



2. H., 2.

Nation. The original and one copy of same should be delivered to the Commissioner to the Five Civilized Tribes, the original for transmission to the Secretary of the Interior and the copy for the files of this Office.

Respectfully,

Commissioner.

D.C. 53894-1905

En 679

I.T.D. 8996, 15642-1905

(Copy)

JF  
LLB  
LRS

DEPARTMENT OF THE INTERIOR.

WASHINGTON, November 28, 1905

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

August 12, 1905, the Department affirmed the decision of the Commission to the Five Civilized Tribes rejecting the application for the enrollment of Sidney Hawkins as a Creek freedman.

On October 23, 1905, a motion for rehearing was filed by the applicant. This motion bears no evidence of service thereof, and of the affidavits attached, upon the attorney for the Creek Nation, and is therefore inclosed to be returned to the applicant. You will advise him of the defect and also that if he desires to refile the motion, with evidence of such service, to do so through your office. It is requested that, if he takes this action in submitting the motion, you make recommendation thereon. See departmental letter of November 20, 1902, in the case of Lourena Hawkins et al., to which apparently the applicant refers on page 2 of his petition.

Respectfully,  
(signed) THOS. RYAN,  
First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.  
1 inclosure.

3n 679

Muskogee, Indian Territory, December 8, 1906.

Wm. H. H. H. H.

Wagon, Indian Territory.

Dear Sir:

In accordance with the instructions of the Department of November 20, 1906, there is herewith returned to you a notice for rehearing in the matter of the application for your enrollment as Creek Indian. The notice bears no evidence of service thereof, and of the affidavits attached, upon the attorney for the Creek Nation.

You are advised that a notice for rehearing and the affidavits attached thereto should show service on the attorney for the Creek Nation, and should be delivered to this Office for transmission to the Secretary of the Interior. Copies of the notice and affidavits for the file of this Office should accompany the originals of same.

Respectfully,

Acting Commissioner.

Cv.Mn.679.

Washago, Indian Territory, July 25, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of August 12, 1905, (I.T.D.0996-1905), affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1905, denying the application for the enrollment of Sidney Hawkins, as a Creek freedman.

There is inclosed herewith motion to reopen said case filed with this office June 25, 1906.

The statements set forth in said motion as grounds for reopening differ in no material respect from the evidence previously submitted and upon which said decision of the Commission was based.

The act of Congress approved April 26, 1906 (Public No. 129), provides in part as follows:

Secretary 1.

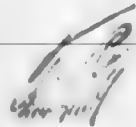
"That the approved roll of Greek freedmen shall include only those persons whose names appear on the roll prepared by J. W. Dunn, under authority of the United States prior to March fourteenth, eighteen hundred and sixty seven, and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Greek Nation subsequent to the date of the preparation of said roll, and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior."

The Assistant Attorney General for the Department in an approved opinion dated May 31, 1906, in the matter of the application of Prissie Carruthers for enrollment as a Greek freedman (a case analogous to that of Sydney Hawkins), referring to the above provision of law, states: "Congress has now made the Dunn roll final and conclusive as to all applicants of this class, whose enrollment has not been approved by the Secretary of the Interior."

In view of the above provisions of law and of the opinion of the Assistant Attorney General referred to, I am of the opinion that said Sydney Hawkins is not entitled to be enrolled as a Greek freedman and respectfully recommend that said motion to reopen be denied.

Respectfully,

Through the  
Commissioner of Indian Affairs.



Commissioner.

OR

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

THE

I.T.D. 8996-15642-1905.  
18824-22912-1905. L

February 15, 1907.

SRS

Direct.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

July 23, 1906, you transmitted a motion to reopen the application of Sidney Hawkins for his enrollment as a Creek freedman, wherein the Department, on August 12, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of June 14, 1906, denying said application.

Applicant claims that he is a descendant of Peter Hawkins whose name appears upon the Dunn roll of 1867. The record shows that applicant himself was born prior to the making of the Dunn roll ~~in~~ of 1867, and is not a descendant born since said roll was made to Peter Hawkins, the person whose name is alleged to be on the Dunn roll of 1867, and in view of the act of Congress of April 26, 1906 (34 Stat., 137), said motion for reopening is hereby denied.

A copy of Indian Office letter of September 25, 1906 (Land 64410-06), recommending the above action, is enclosed.

The papers in the case and a carbon copy hereof have

-2-

been sent to the Indian Office.

Respectfully,

(Signed) Thom Ryan,

First Assistant Secretary.

1 inc. and 5 for Ind. Of.

ATMo

B-16-07.



(COPY)

Refer in reply to the  
following:

Land,  
64410-1906.

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON.

September 25, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of July 23, 1906, from Tamm Rixby, Commissioner to the Five Civilized Tribes, who refers to the fact that the Department, under date of August 12, 1905 (I.T.D. 8996-1905), affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1905, denying the application for the enrollment of Sydney Hawkins as a Creek Freedman.

Mr. Rixby encloses a motion to reopen the case, filed in his office on June 25, 1906, and says that the representations set forth in the motion as grounds for reopening differ in no material respect from the evidence previously submitted on which the decision of the Commission is based.

He quotes from the act of Congress approved April 26, 1906 (Public No. 129), which provides in part as follows:

That the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J.W. Dunn, under authority of the United States prior to March fourteenth, eighteen hundred and sixty seven,

and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of said roll, and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior.

He further refers to the fact that the Assistant Attorney General for the Department, in an approved opinion dated May 31, 1906, in the matter of the application of Prissie Carruthers for enrollment as a Creek freedman (a case analogous to that of Sydney Hawkins), referring to the above quoted provision of law, says:

Congress has now made the Dunn roll final and conclusive as to all applicants of this class, whose enrollment has not been approved by the Secretary of the Interior.

In view of the above provisions of law and of the opinion of the Assistant Attorney General, Mr. Bixby is of the opinion that Sydney Hawkins is not entitled to be enrolled as a Creek freedman and recommends that the motion to reopen the case be denied.

Very respectfully,

C.F.Larrabee,

Acting Commissioner.

BBH-Y

Cr. No. 679

Muskogee, Indian Territory, March 8, 1907.

Sidney Perkins,

Grayson, Indian Territory.

Dear Sir :--

You are hereby advised that under date of February 18, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying a motion to reopen the application for the enrollment of yourself as a Creek freedman .

Respectfully,

Commissioner.

UP, Mm, 870

Muskogee, Indian Territory, March 8, 1907.

Mr. Magdalen,

Muskogee, Indian Territory.

Dear Sir:—

You are hereby advised that under date of February 28, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying a motion to revoke the application for the enrollment of Sidney Hawkins as a Creek Freedman.

Respectfully,

Commissioner.

RA DU 670

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R  
R

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Haskell, I. T., August 31, 1904.

In the matter of the application of Sarah Drew for enrollment  
as a Creek Freedman.

APPEARANCES: M. L. Mott, Attorney for Creek Nation.

SARAH DREW, being duly sworn, testified as follows:

by Commissioner:

- Q What is your name? A Sarah Drew.  
Q How old are you? A Something over sixty.  
Q What is your post office address? A Haskell.  
Q Are you desiring to make application for enrollment as a Creek Freed-  
man? A Yes, sir.  
Q Where do you live? A I live about three miles from Haskell.  
Q In the Creek Nation? A Yes, sir.  
Q How long have you lived in the Creek Nation? A I been in the  
Creek Nation-----I can't tell you exactly how long.  
Q Well about how long? A Since we come in the Creek Nation about  
twenty years since we moved and we come here and we were here in '67.  
Q Went back and brought our family. We stayed here that summer and  
spring farming and went back in the FALLING ~~YEAR~~ Fall.  
Q At the time you moved here the last time where did you live then?  
A Texas.  
Q Where was you born? A In Alabama.  
Q From Alabama where did you move to? A Right here in the Creek  
Nation.  
Q Was you here in 1867? A Yes, sir. That was the year we came  
here.  
Q Do you know when Major Dunn made the Dunn Roll? A No, sir, I  
can't remember. We come here that year in '67.  
Q Was your father with you? A He was already here from Kansas.  
Q Was you a slave of a Creek Indian? A Yes, sir. Never was sold.  
Q Who was your owner? A James McDaniel.  
Q Was your owner a Creek? A Yes, sir, she was a Creek.  
Q Did you ever draw any money from the Creek Nation? A No, sir.  
Q Have you ever made application to be enrolled as a Creek Freedman  
before this time? A Yes, sir.  
Q You did? A Yes, sir.  
Q Where? A Right here and in the Court House before the Commis-  
sioners and they hunted our names on the Roll and they didn't find  
them and that was why we were delayed.  
Q You have made application for enrollment before this time have  
you? A Yes, sir.  
Q How long ago was it that you made application for enrollment? A  
When that was going-----taking applications in the Court House.  
Q What Indian Town do you claim to belong to? A Canadian Colored.  
Q What did you say your father's name was? A Monday Durant.  
Q Do you know Susan Durant? A Yes, sir, that was my stepmother.  
Q Do you know Hill Durant? A Yes, sir, he is half brother.  
Q Do you know Jobe Durant? A Yes, sir.  
Q Is he living or dead? A I think he is dead.

The Dunn Roll examined and the name of Monday Durant is  
found thereon at No. 1380, Canadian Town. It does not appear,  
however, that the name of the applicant Sarah Drew is found  
thereon.

Sarah Drew---8.

Q You didn't get back here in time to get your name put on the Dunn Roll did you? A I don't think I did. I got back in '67.  
Q Do you know what month? A August.

The Tribal Rolls of the Creek Nation, in the possession of the Commission, examined and the applicant herein not identified thereon, neither does it appear that the applicant has heretofore made application for enrollment as a citizen of the Creek Nation.

SARAH PRIMUS, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Sarah Primus.  
Q How old are you? A Forty-four.  
Q What is your post office address? A Broken Arrow.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q Are you acquainted with the applicant, Sarah Drew? A Yes, sir.  
Q What relation is she to you? A Half sister.  
Q Is your name on the Dunn Roll? A Yes, sir.  
Q At the time your name was placed on the Dunn Roll you went by what name? A Durant.

The Dunn Roll examined and it appears that the name of the witness is found thereon at No. 1888, Canadian town.

Q Monday Durant was your father was he? A Yes, sir.  
Q And the applicant, Sarah Drew, is your half-sister? A Yes, sir.  
Q You have the same father but different mothers? A Yes, sir.  
Different mother.  
Q You don't know of your own personal knowledge when Sarah Drew came to this country do you? A Yes, sir.  
Q How old was you when she came here? A I am forty-four now and she came in the year she stated.  
Q Well, what year did she come? A I don't remember the year but I came from Mississippi, from school, and found her there.  
Q Do you know what month in the year she came here? A Yes, sir, she came in August.  
Q August, 1867? A Yes, sir.  
Q How old was you when she came here? A I don't know my age then.  
Q Well, about how old was you? A I-----  
Q If you are forty-four years now in '67 you was seven years old?  
A No, sir, that aint correct. I think she is mistaken about the year. Because I was a good sized girl.  
Q In your opinion then she came here after '67? A Yes, sir.  
Q Then your statement that she came in '67 is not correct is it?  
A No, sir, I says I don't remember the year.  
Q You don't remember when you name was put on the Dunn roll do you?  
A Yes, sir, I remember old Major Dunn myself.  
Q Where was you enrolled? A At the old Agency.  
Q Do you know of your own personal knowledge that Sarah Drew is your half sister? A Yes, sir.  
Q How do you know that? A Because my father told me. He always told me that he had three children in Texas but didn't know where they were.  
Q Did you know Sarah Drew at any time during the lifetime of your father? A Yes, sir.  
Q Did your father recognize Sarah Drew as his child and so told you?  
A Yes, sir. The reason he always told me that, her name is Sarah and he said he had two Sarahs and didn't know where one was.  
Q Your name being Sarah and your half-sister's being Sarah that would make two Sarahs in the same family? A Yes, sir.  
Q How long has Monday Durant been dead? A Over 14 years.



Sarah Brown.

SARAH BROWN, being recalled, testified:

By Commissioner:

Q You say you had lived in the French Nation for about 12 years? A I lived in the French Nation since we moved back here over 12 years. Q Why is it that you have never been out on the island? A My father before he died, he had all our names taken and sent to the court and the other person in the same place for land and all the money and the other part in while have adopted us and before that that got there. He was to adopt us, he died. Q And who that? A Sam Chapman. Q Did you never draw the \$50.00 of paid money? A No, sir. I was here before they drew the \$50.00 money. Mr. Sam Chapman written to my father and said to keep the children around him till he could make a way for them. A The only thing we care to know is whether you drew any of that? A Yes, sir, we never paid no money. We lived on the land until this morning. Q Have you a home in the French Nation? A Living on my husband's home. I married a French.

\*\*\*\*\*

I, JOSHUA H. BROWN, do hereby certify that the above and foregoing is a true and complete transcript of my stenographic notes as taken in and about the French Nation.

*Joshua H. Brown*

Witness my hand and given to before me this 11th day of September, 1904.

*Notary Public*  
NOTARY PUBLIC.

Ex. 600.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

- (8) -

In the matter of the application for the enrollment of Sarah  
Drew as a Creek Freedman:

- I D E C I S I O N -

-----




The record in this case shows that on August 31, 1904, Sarah  
Drew appeared before the Commission and made application for enroll-  
ment as a Creek Freedman.

The evidence shows that the applicant was more than sixty years  
old on the date of the application herein and that she is not identi-  
fied on the roll of Creek Freedmen made by S. W. Dunn prior to March  
14, 1907.

It does not appear from the evidence that the applicant has ever  
been enrolled as a citizen of the Creek Nation, and an examination of  
the records of the Creek Citizenship Commission, commonly known as  
the Gelbert Commission, and of the record of proceedings of this Com-  
mission under authority of the act of Congress, June 10, 1906 (34  
Stats., 221), shows that no application was made by said Sarah Drew,  
to either of said Commissions, for citizenship in the Creek Nation.

It is, therefore, the opinion of the Commission that there is no  
authority of law for the enrollment of said Sarah Drew as a Creek  
Freedman and that the application for her enrollment as such should  
be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
\_\_\_\_\_  
COMMISSIONER.  
  
\_\_\_\_\_  
COMMISSIONER.  
  
\_\_\_\_\_  
COMMISSIONER.

Washoe, Indian Territory,

2/19/06  
Creek No 680

Muskogee, Indian Territory, January 17, 1906.

Sarah Drew,

Muskell, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

JY-17-60.

7423  
OFFICE IN 280

Muskogee, Indian Territory, January 17, 1906.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Sarah Drew as a Creek Freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYM-17-69.

Printed on 800

Wankarem, Indian Territory, January 17, 1901.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Sarah Row up as Sarah Grandman, including the decision of the Commission, dated January 10, 1901.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

J. W. 1161

FIN. WOT. LRS.

I.T.D.1812-1905.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, May 26, 1905.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

January 17, 1905, you transmitted the record in the matter of the application for the enrollment of Sarah Drew as a Creek Freedman, including your decision of January 5, 1905, rejecting the application.

Reporting January 27, 1905, the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E.A. Hitchcock,  
Secretary.

1 inclosure.

680  
Refer in reply to the following:  
Land: 5243-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, January 27, 1906

The Honorable,  
The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 17, 1906, transmitting the record of the application, made August 31, 1904, for enrollment as a Creek Freedman by Sarah Drew.

January 8, 1906, the Commission decided adversely to the applicant.

The record shows that no prior application has been made; that the applicant is not identified on the Dunn Roll and that she has never been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

G. F. Harrabee,

Acting Commissioner.

M.M.M.W



281.000.

Muskogee, Indian Territory, June 1, 1908.

Baran Drow,  
Muskogee, Indian Territory.  
Dear Ma'am:

You are hereby advised that the Secretary of the Interior,  
under date of May 28, 1908, affirmed the decision of the Commission  
to the Five Civilized Tribes, denying your application for enrollment  
as a Creek Freedman.

Respectfully,

Commissioner in Charge.

No. 680.

Muskogee, Indian Territory, Jun. 3, 1908.

M. F. Watt,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of May 20, 1908, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 8, 1908, denying the application for the enrollment of Sarah Drew as a Creek Freedman.

Respectfully,

Commissioner in Charge.

CR EU 681

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 30, 1904.

In the matter of the application for the enrollment of Charlie Potter et al., as Creek Freedmen.

( John G. Lasher Atty. for applicants,  
APPEARANCES: ( M. B. Mott Atty. for Creek Nation:

CHARLIE POTTER, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Charlie Potter.  
Q How old are you? A Thirty-seven.  
Q What is your post office address? A Grayson.  
Q Do you make application for the enrollment of yourself and your six minor children as Creek Freedmen? A Yes, sir.  
Q What is the name of your oldest child? A Jimmie.  
Q How old is he? A Twelve.  
Q What is the name of the next? A Mammie.  
Q How old is she? A Ten.  
Q What is the next one? A Argie.  
Q How old is Argie? A Eight.  
Q What is the name of the next? A Delish.  
Q How old is she? A Six and a half years old.  
Q What is the next? A Millie.  
Q How old is Millie? A five years old.  
Q What is the name of the next one? A William.  
Q How old is he? A Four.  
Q Are these all the children that you wish to apply for at this time? A Yes, sir.  
Q You have one other child have you? A Yes, sir, it is about a year old.  
Q When was it born? A Last December.  
Q You claim the right to enrollment as a citizen of the Creek Nation by virtue of the fact that you are a Creek Freedman? A Yes, sir.  
Q Did you ever draw any money from the Creek Nation? A No, sir.  
Q Have you ever prior to this time made application to the Creek Tribal Authorities or to the Commission for enrollment as a Creek Freedman? A No, sir.  
Q Did you ever draw any money for any of your children? A No, sir.  
Q How do you claim rights as a citizen of the Creek Nation? A Well my father he was a Creek Citizen and he was in Texas and he brought me back to this country when I was a boy.  
Q Is your father living? A No, sir, dead.  
Q What was his name? A Jepty Cheto.  
Q How long has he been dead? A I don't know just how long. He was dead when I come back here.  
Q Where was you born? A Texas.  
Q How long did you live there before you moved away? A I lived there until I was nine years old.  
Q Have you lived in the Creek Nation ever since? A No, sir, I removed away and went back to Texas and stayed a while.  
Q How long have you lived in the Creek Nation this last time? A About fourteen years.  
Q You are living here now are you? A Yes, sir.  
Q Where? A Near Grayson.  
Q Are these children living with you? A Yes, sir.  
Q In the Creek Nation? A Yes, sir.

Charlie Potter et al.,--2.

Q Was your mother a citizen of the Creek Nation? A No, sir.  
Q Any rights that you might claim as a citizen of the Creek Nation come through your father alone then? A Yes, sir.  
Q What was your wife's name? A Millie Potter.  
Q Is she a citizen of the Creek Nation? A She claims to be but she was like me, her people were carried away from here to Texas, and she has never tried to prove up her right.  
Q Do you know whether or not she does claim to be a citizen of the Creek Nation? A Yes, sir, I know she claims it.  
Q Well then the rights that your several children named herein may have as citizens of the Creek Nation come from you and your wife? A Yes, sir.  
Q Is your wife dead? A Her mother died.  
Q Is your wife in town here to-day? A No, sir, she is at Grayson.  
Q These children all live with you in the Creek Nation do they? A Yes, sir.  
Q How long have they been living with you in the Creek Nation? A They was all born here but one.  
Q Which one was that? A All these that are living were born here.  
Q What Creek Indian Town do you claim to belong to? A Well I don't know anything about that. When I was brought here I was carried down here on the Arkansas.  
Q You don't know anything about the Creek Towns? A No, sir.  
Q You don't know which one you belong to? A No, sir.  
Q Have you ever been recognized by the Creek Tribal Authorities as a citizen of the Creek Nation? A Not only my people the people that I met and I told them who I was.  
Q Have you ever made application before this time for the enrollment of yourself and children? A No, sir.  
Q This is the first time? A Yes, sir.  
Q Do you know whether your name, or that of your children, is on any of the Rolls of the Creek Nation? A No, sir, I don't.  
Q Do you know whether your father was on any of the rolls? A No, sir, I don't.  
Q What did you say your father's name was? A Jesty Chote.  
Q How is it your name is Potter? A He come off to the Territory once when I was small and was going to move back here and he wasn't able to move then and wanted to get help from some of his people and he stayed a long time and when he come back my mother was living with a man named Potter and he stayed around and got me off and I run away and went back to my mother.  
Q Where did Jesty Chote die? A I don't know.  
Q Do you think he died in the Creek Nation? A Yes, sir, he died in the Creek Nation.  
Q Did your father have any brothers and sisters that you know of? A I don't know any of them hardly. He took me to my grandmother's when he brought me here and I didn't stay there over a year.  
Q Have you been able to find any of your uncles or aunts since you been back here this time? A Yes, sir, I found Tackey Grayson.  
Q Is he a brother of your father? A Yes, sir.  
Q Who else? A Him and my grandmother was the only ones that I have found.  
Q Is your grandmother living? A No, sir, she is dead.  
Q How long has she been dead? A I don't know how long she has been dead.  
Q Have you got any brothers and sisters? A No, sir, I haven't any.  
Q Was he the only child he had by my mother.  
Q Do you know any other Chotes in the Creek Nation? A No, sir.  
Q You told me about Jesty Chote being your father? A When I first could remember him and my mother was living together.  
Q Did you say Tackey Grayson was his brother? A Tackey-----I believe he was Tackey's uncle.  
Q Do you know Dice Chote? A No, sir.  
Q Do you know Robert Chote? A No, sir.  
Q Did your father have any other name than Jesty? A He didn't in Texas.

Charlie Potter et al.,-- 3.

The 1890 Authenticated Creek Tribal Rolls examined and none of the applicants herein are identified thereon.

The 1895 Pay Roll of the Creek Nation examined and none of the applicants are identified thereon.

Q Do you claim that your father was on the Dunn Roll? A I don't know what roll he was on.

Q Was he on any roll that you know of? A Not that I know of. He said that he was.

The Dunn Roll examined and no name found thereon as Tepty Choto. By the No. 329 is found the name, Jupiter Choto, together with Dice and Robert, as one family.

The records of the Commission examined and it does not appear that the applicant has heretofore made application for the enrollment of himself and children as citizens of the Creek Nation.

By Mr. Lieber:

Q Did your father have any children older than you? A He said he had some in the Territory but I never seen them.

Q Did you ever hear him call their names? A I don't remember what he called them.

Q What was the date of your birth? A I was born on March 17.

Q What year? A 1867.

Q When did you first know your father. That is, where was he when you first knew him? A In Texas.

Q Where had he been prior to that time? A I recollect he said he was from the Creek nation. Said his home was in the Creek Nation.

Q What, if anything, did he do with you shortly after you first knew him as your father? A He come off and left us all there in Texas and said he was going back to the Creek Nation to find his people to get some way to move. Said he was going to move to the Creek Nation and stayed off a good while and when he come back my mother she married another man and then he stayed around there a while and then he got me off and brought me here to the Creek Nation.

Q Where did he take you to. What place in the Creek Nation? A He took me down about the mouth of the Arkansas where the Verdigris enters the Arkansas.

Q How long did you stay there? A A year or a little over.

Q Where did you go then? A Back to Texas.

Q How long did you stay in Texas then? A I stayed there seven or eight years.

Q Did you marry there? A Yes, sir.

Q Where did you go to when you left Texas then? A To the Creek Nation.

Q What did you come back to the Creek Nation for? A I had always heard that my people on my father's side was here and I had never been among them and I just thought I would come back.

Q Have you been living in the Creek Nation ever since that time? A Yes, sir, pretty well all the time.

Q Who did your mother marry down there in Texas? A Married a man by the name of Jim Potter.

Q Do you remember the circumstances of her marrying that man? A Yes, sir? I do remember it. After father left, he was living close to us and he used to be around there a good deal, kind a drinking seeing after us and I remember it got out that they were married.

Q How old was you at that time. When your mother married this man, Potter? A I guess I was-----I don't suppose I was over five year old.

Q How long had your father been gone from home at that time? A I don't guess he had been gone a year hardly.

Q When you came back to the Creek Nation the last time did you make any effort to be enrolled? A I come to Okmulgee a time or two and to the Council to try to get enrolled but I never did get into the Council. Didn't have no means or anything.



Charlie Potter et al.,--4.

Q Who, if any one, did you see and speak to at that time about your right to enrollment? A I spoke to a woman at Okmulgee was the first one. A Mrs. Jefferson.  
Q Did you ever speak to any of the members of the Creek Council?  
A She told me about Tackey Grayson. My people told me that my grandmother had a son that was a member of the Council and I should go and see him.  
Q Who did they say he was? A Tackey Grayson.  
Q Did you go to see him? A Yes, sir, I went down town inquiring for him and a man showed him to me.

TACKKEY GRAYSON, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Tackey Grayson.  
Q How old are you? A Fifty-seven.  
Q What is your post office address? A Red Bird.  
Q Are you acquainted with Charlie Potter, the applicant herein? A Yes, sir.  
Q Is he any relation to you? A Yes, sir.  
Q What relation is he? A My uncles son.  
Q He is your cousin then? A Yes, sir.  
Q Do you know his parents? A Know his father.  
Q What was his name? A Called Jipter and sometimes Jupiter and we called him Jipter.  
Q Was he a citizen of the Creek Nation? A Yes, sir.  
Q Are you certain that Charlie Potter is a child of Jipter? A The best way I can get at Charlie. The old man Jipter came here from the south. He left here and went south and he came back here in time enough to get that \$17.30 or .40 payment. After that he went back to Texas to see his wife.  
Q Did he have Charlie Potter with him? A No not when he came and when he went back he come and brought his boy there. We lived down here at the mouth of Verdigris and he brought Charlie and I was living there and he brought Charlie.  
Q Is that the same person as this applicant? A To the best of my knowledge it is the same boy.

By Mr. Lieber:

Q You say the old man's name was Jupiter or Jipter what? A Ohto.  
Q Did you see Charlie the first time his father brought him back to the Creek Nation? A Yes, sir.  
Q Where did you see him? A Seen him when he brought him down to the joining of the Verdigris and Arkansas Rivers.  
Q How long did the boy stay there? A He brought him in the Fall and in the Spring he run off and went back to Texas.  
Q Did you see Charlie after that at any time? A Yes, sir, he come back.  
Q How old was he when he came back? A Was about grown when he come back.  
Q What, if anything, did he say to you, when he came back the second time, about who his father was? A I didn't see him when he first come back but he inquired of Jennie Grayson and Tack Grayson and they asked me if I seen him and I said no, and they said did you know him, and I said I believed I did know him and one Saturday evening I was sitting on the steps of the Court House and a boy come up and asked for me and William Peters told him that I was the man. He said he was old man Jipter's son and I asked him what was his name and he said Charlie and then I recognized him.  
Q Did you recognize him as the same boy that the old man had here in the Creek Nation before? A Yes, sir, I couldn't do any better.  
Q Tackey, did Jupiter have any other children besides this boy? A Not at all, we called him Bob and he had Nock and we sometimes called her Lilla.



Charlie Potter et al.,---5.

Q Did he have any child by the name of Dice or was called Dice? A Either one of the names gets her. Sometimes we called her Monk and Dity and sometimes Dicoy.

Q Is Robert living? A Dead.

Q Is Dicey dead? A Yes, sir.

Q Was the mother of Robert and Dice the same as the mother of Charlie? A No, sir. Dice and Robert's mother was a Cherokee woman.

Q Did you see the old man when he first came back to the Creek Nation after the War? A Yes, sir.

Q Did he have any of his children with him at that time? A Yes, sir. Brought the girl and the boy.

Q Do you mean Dice and Robert? A Yes, sir.

Q And had them enrolled? A Yes, sir, and drew the money and he went back to Texas after his wife. He said he was going back and he went and he came back and brought this boy.

By Commission:

Q Where did Jupiter die? A He died in the Cherokee Nation.

WILLIAM PETER, being duly sworn, testified as follows:

By Commission:

Q What is your name? A William Peter.

Q How old are you? A About sixty.

Q What is your post office address? A Yes.

Q Are you acquainted with Charlie Potter? A I was at council I think about 13---10 or 12---about 16 years ago and there was a boy come up there and asked for Tackey and he was sitting beside me and I asked him did he know Tackey if he seen him and he said he didn't know and then I showed Tackey to him and I asked Tackey who was it and he said it was Jupiter Ohto's son.

Q Did Tackey Grayson at that time say what this boy's name was? A I understood him to say they called him Sam. His proper name is Sam.

Q Do you know of your own personal knowledge whether this applicant here is the son of Jupiter Ohto? A No, sir.

Q You have seen the applicant here the last few days have you not? A I seen him here. I must have seen him here off and on for a little over two years.

Q Do you recognize this applicant as being the same person who approached you and Tackey Grayson at Okmulgee? A No I can't swear that it is the same man by think it was.

Q You knew Jupiter Ohto did you? A Yes, sir.

Q Was he a Creek Freedman? A Well when they was making the Dunn Roll I asked him had he put his name down.

Q Then you don't know whether he is a freedman or not? A No, sir.

Q You don't know of your own personal knowledge whether his name is on the Dunn Roll? A No, sir.

Q Did Jupiter Ohto tell you that his name was on the Dunn roll? A Yes, sir, he told me personally.

Q Did you know the family of Jupiter Ohto? A No, sir.

Q Do you know where he died? A No, sir. I know his mother.

Q What was her name? A Jennie.

Q Jennie what? A I don't know.

Q You are not acquainted personally with the applicant and his family for whom he has made application? A No, sir.

Q You have no interest whatever in this case? A No, sir.

-----0:-----

Charlie Petter et al.,---&.

I, Drennan O. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Drennan O. Skaggs

Subscribed and sworn to before me this 24 day of September, 1904.

W. H. Martin  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I.T. Sept. 3, 1904.

Supplemental testimony

In the matter of the application for the enrollment of Charley Potter, et al., as Creek Freedmen.

APPEARANCE: John Lieber, Attorney for applicants.

Logan Morgan being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Logan Morgan.  
Q How old are you? A About 61.  
Q What is your post office address? A Muskogee.

Examination by Mr. Lieber:

Q Morgan, do you know Charley Potter, the principal applicant in this case? A Yes sir.

Q How long have you known him? A Since I first known him as a little boy its been about 30 years or 32 or 33 years; I don't know the correct date; but its a year or two after the war.

Q Where was he when you first knew him? A He was in Texas.

Q Did you know his father and mother? A Yes sir.

Q What was his father's name? A His father went by the name of Jupiter Chote; some called him a nickname but that's his given name.

Q Well, what was his nick name? A They called him Jupiter; Jubiter, or something like that; I was a small boy but I always called him old uncle Jupiter.

Q What was the name of Charlie's mother? A Martha.

Q When was it that you first became acquainted with Charlie and his father and mother? A Well, that was just after the war 2 or 3 years, I disremember but it was along directly after the war.

Q How old was Charlie when you first knew him? A Well, to say positively I don't know exactly but I think from my judgment he was between 2 and 3 years old.

Q How long did you stay in that country, Morgan? A I stayed there about 2 or 3 years--around in that country and went off-- well, it might have been longer; I was through that country about five, working around, but often and on I was with the father and mother about 2 years.

Q Did you know Charlie and his father and mother during all the time that you was in that settlement around there? A Yes sir.

Q Well, was that for two years or for five years? A Well, it was for two years and about the 3rd year his father left him there and came to the Creek Nation to hunt his people and I think the 8th year I went out; I don't know how long he stayed here; and the 3rd year he came on up here to hunt his people and got them to move, so he said.

Q When he left there to come up to this country at that time, did he take this boy Charlie, with him? A No sir; the second time he came back he did; I don't know whether he came here the first time he said he was coming; the second time he took this boy, Charlie, with him.

Q When Jupiter came up here the first time and you say he left Charlie there with his mother, what became of Charlie's mother? A Well, she stayed around there, while finally there was a man by the name of Potter taken up with her or married her and they was living together there when I left there.

Q And Charlie's mother and this man, Potter, were living together as

husband and wife when you left that country? A Yes sir.

Q What was the name of that man Potter? A Jim.

Q Then you wasn't in that country when Jupiter came back to Texas from here? A No sir.

Q Did Jupiter Choto recognize this boy, Charlie, as his son? A Yes sir. Always called him his boy while I was around.

Q State whether or not Jupiter Choto and his wife, Martha, had any other children besides ~~Murder~~ Charley at the time you knew him? A None that I knows of.

Q When was the next time that you saw this applicant, Charlie Potter, after you left Texas? A It was about three years ago I met him; I had written to Oklahoma for a man and they happened to get together here in town I guess and they come out there together and talking, and one thing and another; I was asking them questions and I recognized him by the futures of his father; by his teeth, and I got asking him then what was his father's name and the mother and he told me and I asked you if you are the boy grew up to such a man as this? I never would have recognized him in any other way, and got to asking him if he was a boy around in Texas down there, old Jupiter's son, and I recognized him there and he was there when I left him. He come right to my house and I recognized him;

Q What, if anything, did Charlie say when you met out there, with reference to recognizing you as the man who was down in Texas when you was a little boy? A He recognized me by the future after I commenced talking and asking questions, and he recognized me by--he says: "Is you the man that was around about my father in the time that you used to work around there by the name of Logan Morgan?" And I says yes; he knows me by the name; I introduced myself when they come up and I had never met the man who rode up with him and while this fellow asked me if I was Morgan he recognized me by the name more than anything else.

Q Did you ever see Jupiter Choto after he left Texas when Charlie was a little boy? A No sir.

By the Commission:

Q Are you a citizen of the Creek Nation? A No sir.

Q How old did you say you was? A About 51 or 52 years old.

Q When Jupiter Choto came up the first time to the Creek Nation did you know what he came for? A He came to see about his right; he claimed to have people here; to have a right in this country; to see if his people could go to help him then he was coming back to this country.

Q Do you know what year that was? A No sir; it was about 2 or 3 years after the War.

Q When he came up? A Yes sir.

Q To see whether he had any rights in the Creek Nation? A He said he always claimed he had a right and he came to see if he could get his people to help him.

Q Did he ever tell you that he was on any of the rolls of the Creek Nation?

A I think he did; it's been so long since that time was I can't say whether he told me or not hearing him talk, but nigh as my memory served me I heard him speak about being on the rolls; only hearing them talk; I was young.

Q How young was you? A I wasn't more than about 17 or 18 years old--to my judgment.

Q How old did you say Charlie Potter was when Choto first came to the Creek Nation? A Between 3 and 4 years old; a small chap.

Q You think that Choto came up here at that time--about how long after the War? A Well, I think it was about between 4 and 5 years after the war; three.

Q Well, is you say three years or four or five? A Well, it's between years; I can't say what year and how many years; cause I was not interested in him until just he aring him talk.

Q Do you remember when the war was going on? A Yes, sir.

Q You remember that very well, do you? A Yes sir.

Q How old was Charlie Potter when that was going on? A I don't think I he was born when it first commenced I am satisfied.

Q Well, was he born during the war? A Well, just about the close of the war; at the time I went to his father and mother he was just about born; about '66; I think he must have been born about '66 or '67, along in there.

Q You never saw Charlie Potter from the time you last saw him in Texas till here in the Creek Nation 4 or 5 years ago? A No sir.

Q And you say you recognized him from his features? A Yes sir, and got to asking him questions and he would answer.

Q Well, now, if Charley Potter was born after the war, from what you say he wouldn't be old enough to recognize your features or name either, would he, when he came back to this country? A Seem he ought to; I was around there them two years; and I reckon he would be like the other children I inquired about.

Q Well, now, if he was only two years old, do you think he would remember your name and features 20 or 30 years after that? A I didn't say he was only 2 or 3 years old, but I said to my judgment I thought he wasn't more than 2 or 3 years old. He might have been older.

Q I want to ask you, if Charlie Potter was 2 or 3 years old, do you believe he would recognize your name and your features 35 years after that? A Yes, sir, by its being spoken of in his presence; I remember things.

Q You remember things when you was 2 years old, do you? A Yes sir, I am satisfied; by hearing old people talk over it you refresh your memory.

Q I understood you to say that Charlie was 2 or 3 years old when Choto came up to this country the first time? A Yes, I suppose he was between 2 and 3 years old, not as I knows exactly how old he was; I am only judging by signs.

Q How do you know whether Choto came up here after the war or during the war? A Cause that was wa being ended then; everybody set at liberty.

Q Well, how long had it been ended when Choto came up the first time? A U it was 2 or 3 years after;

Q And Charlie Potter was 2 or 3 years old then, was he? A Yes sir; by his size.

Q Then, according to your attement and understanding of the matter, Charlie Potter must have been somewhere along about 65 then about the close of the War? A Yes sir, afterwards; I think the war was ended; he was born from his size it must have been about '66 or '67, along there; my judgment now.

Q Well, now, if you think he was born about '66 or '67, then you are mistaken when you say that Jupiter Choto came to this country two years after the war, aren't you? A No sir; I don't think I was, cause I ~~was~~ stayed around there 2 years in and out while him and his wife was together; then afterwards he come up here and about the 3rd or 4th year to see about his people to get them to help them to this country where he claimed he had a right here; and he come on and then when he come back again I was gone away from there; I don't know how long he stayed up there; I was gone if he ever come back and I never met Charlie until here about three years ago.

Q How old was Charley then when you last saw him in Texas? A Well, I don't know but I suppose he was about between 5 and 6 years old the last time I saw him.

Q How many years after the war was that; how long had the war been closed when you last saw Charley Potter? A I think it was about 6 years as near as my remembrance will serve me.

By Mr. Lieber:

Q Morgan, then you knew Charlie Potter in Texas for about 4 years, didn't you? A Yes sir, between 4 and 5; I will say four, and be positive; I am satisfied I knew him 4 years; he might have been older than that.

Q You spoke of Jupiter Choto coming up here the first time? A Yes sir.

Q How do you know he came up here- that it was the first time, when you was living in Texas there? A Well, that was the first of my knowing about it.

Q If he came up here before that time, you don't know anything about it?

A No.

Q How many years after the war, was it, before you became acquainted with Charlie Potter and his father? A Well, it was about 2 years before I went into that country there and got acquainted with them; just about 2 years.

Q Then if Jupiter Choto came to this country before that time you don't know anything about it? A No sir.

Q Did you ever hear Jupiter Choto say anything about who he had back here in the Creek Nation? A Yes sir; I heard him speak about these Graysons being his kin people-by name one man- he spoke of old man Turkey Grayson as being his mother's brother or cousin or something-- he was close relation to him.

Q How long have you been living here in the Creek Nation? A Eleven years.

Q Your family are citizens of the Nation, are they not? A Yes sir.

Q Your wife and children? A Yes sir.

This case is continued for further testimony.

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Henry G. Wains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Wains*

Subscribed and sworn to before me this 14th day of November, 1904.

*Charles H. Sawyer*  
Notary Public.



(Supplemental testimony)

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., September 7, 1904.

In the matter of the application of Charlie Porter, et al., for the enrollment of himself and minor children as Creek Freedmen.

APPEARANCES: H. L. MOTT, attorney for Creek Nation.  
John G. Lieber, attorney for applicant.

BOB DANIELS, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Bob Daniels.  
Q How old are you? A About 82 years old.  
Q What is your post office address? A Clarksville, I. T.

Examined by John G. Lieber, attorney.

- Q Bob, are you a citizen of the Creek Nation? A Yes sir.  
Q Do you know Charley Porter, the principal applicant in this case? A Yes sir.  
Q What is his father's name? A Jiptah Shoto, sometimes called Jupiter Shoto.  
Q When was it you first saw Charlie Porter? A It was after the war.  
Q You mean the Civil war? A Yes sir.  
Q When and where was it you first saw him? A Down here at the place we call the point, near Hibben's Ferry.  
Q What do you mean by the point, Bob? A I don't know, suppose it means by that where the Verdigris and Grand empty into the Arkansas so we call it the Point.  
Q That is about 3 or 4 miles from Muskogee? A Yes sir.  
Q Who was he with at that time? A Jiptah Shoto.  
Q What, if anything, did Jiptah Shoto say to you or in your presence at that time in reference to Charlie Porter being his son.  
Q He didn't say anything to me directly, he told my mother in my presence at our house that it was his son.  
Q Was Charlie with him at that time? A Yes sir.  
Q You say you heard the old man tell your mother that Charlie was his son? A Yes sir.  
Q Can you give any of the conversation that was had in reference to Charlie being Jupiter's son? A Well, we asked him who the boy there was and he told us that it was his boy, and he had brought him from the South, I can't remember just exactly what was said.  
Q Did he say anything about Charlie's mother? A He did say he was going to try and get money enough to go after her but just brought the boy this time and left her down there among kin folks.  
Q About how long did Charlie stay around at the point? A Quite awhile, don't remember just how long but we used to cross cattle down there at the river and he was there with us.  
Q What became of Charlie? A Well, his father said he run off.  
Q You say you knew the boy while he was there at the Point? A Yes.  
Q You spoke awhile ago about Jiptah saying he would try and get money enough to go back and get Charlie's mother, after that time did you ever have any conversation with Jiptah about whether he went back after this woman, and if so, what did he say to you about it? A He came to my unvle's house and sold a yoke of steers to get money to go after this woman, he came there a great deal, used to stay all night but when he came back he said this woman was mixed up with another man in a sort of a way, went off with him.



- Q Did he say whether he brought her back or not? A No sir, he did not bring her back.
- Q After Charlie left the point, when and where did you next see him? A Met him at Okmulgee several years ago.
- Q Can you state how long ago you met him at Okmulgee? A No sir, I could not tell, it must have been 10 or 12 years ago, it was when we were building pastures down in the country.

**COMMISSION:**

- Q Have you ever been a member of the Creek Council? A Yes sir.
- Q You are a Creek Freedman, I believe? A Yes sir.
- Q Just give the conversation as near as you can that took place out there at Okmulgee between you and Charlie Porter? A Well, I went down to the Court House looking for Tackey Grayson and so I saw Charlie across the street and I went across and was talking with him, I knew him.
- Q What conversation took place between you and Charlie? A Well, I recognized him, he was kind of twisted mouthed and I knew him by that but I wanted to be sure of it so I asked him about it.
- Q Do you recognize him now as the same boy and man that was with Jupiter Shoto at the point? A Yes sir.
- Q Have you known him ever since he came to Okmulgee the last time? A Yes sir.
- Q When Jiptah had this conversation with your mother about Charlie being his son was Charlie with him at that time? A Yes sir, he was with him.
- Q Was Jupiter Shoto a citizen of the Creek Nation? A I really don't know, it seems to me that he was but I am not sure.
- Q Did you know him before the war or after the war? A After the war.
- Q Did Jupiter ever have any other children besides Charlie? A One boy I know of.
- Q What was his name? A Robert Shoto.
- Q Do you know whether Jupiter Shoto's name was placed on the Dunn Roll? A No sir, I don't know.
- Q You didn't know the old man before the war? A No sir.

Examined by *Commission*  
John G. Lieber, attorney.

- Q Bob, what year was it that Jupiter told your mother, in your presence and in that of this applicant, that the said applicant was his son? A I don't know it was after he left the war.
- Q How many years after he left the war? A I don't know, maybe a year, maybe longer.
- Q About how old was Charlie Porter then? A I don't know.
- Q What would be your judgement? A A good sized fellow.
- Q Could he talk? A Yes sir, I judge he was about 6 or 7 years old.
- Q Were you well acquainted with Jupiter Shoto? A Yes sir.
- Q How many trips did he make from the South into this country? A Well, I don't know, you see we lived down here and he lived on the Verdigris and then after that I lived with my uncle and don't know much about it.
- Q You say it was about about a year after the war that this conversation took place between your mother and Jiptah? A Yes sir.
- Q Do you know whether Jiptah had made a trip from the South before the time you saw him? A I don't know.
- Q You do not know when he went to Texas? A No sir.
- Q Do you know whether he really did go back into the South after Charlie's mother or not? A No sir, I don't know.

Examined by M.L.Mett, Creek attorney.

- Q How old is the boy Charlie now? A Well, I don't know, I would judge he was about 30 or 35 years old.
- Q If this was a year after the war that you saw him with his father and then he was 6 years old, he would be about 40 years old now, would he not? A I don't know, I did not count it up.
- Q Your testimony as to the time you saw him and his age then would make him now about 45 years old, wouldn't it? A I tell you I don't know, I never counted it up.
- Q You never saw him after the time he was there with his father until you saw him at Okmulgee 12 years ago and you said you recognized him, didn't you? A Yes sir.
- Q Do you see anything peculiar about his mouth now? A I certainly do, it is sort of twisted to one side when he talks.
- Q You don't know whether his father was a Creek citizen or not? No, I don't know.
- Q You don't know whether his name was on the Dunn Roll or not? No, I don't know anything about that.
- Q You can not identify him as being on the Dunn Roll? A No sir, I did not see him put his name down.
- Q Were you at the Council at the time you saw him at Okmulgee 12 years ago? A Yes sir.
- Q And he made no effort at that time to establish his rights? A No, he said nothing about it.
- Q Was there anyone else there at that time trying to establish their rights? A Well, I don't know, I suppose there was for there was some there every year.
- Q Did he say anything then about having you aid him to establish his rights? A Yes sir.
- Q How did he find out that you knew him? A I suppose he found out that I knew him when he wanted to make application.
- Q Did you and he talk it over when you saw each other about his having been at your house. A No sir.
- Q There was nothing said about that. A No sir.
- Q Then the only fact that you met him in Okmulgee did not aid him in knowing about that? A No sir, we did not talk about it at all.
- Q He never asked you to witness in his behalf? A He spoke to me a year ago or more about this same thing.
- Q How did he know that you knew anything about it? A He knew that I knew him.
- Q What did he say to you? A Said he wanted to make application for citizenship.
- Q Did he ask you what you knew about it? A Yes sir.
- Q Did he ask you about him being at your house with his father? A He simply knew it for I knew him and he knew me.
- Q Can you remember anything that happened when you were 6 years old? A I don't know whether I could or not, I don't know my age, my mother did not tell me when I was born so I can not tell my exact age.
- Q Can you tell what happened last year? A I don't know I might.
- Q Do you think a boy could remember a circumstance of that kind if he was only 6 years old at the time? A I don't know his age.
- Q Do you think if he was 6 years old he could remember that fact? A I don't know.
- Q I asked what your opinion was as to whether he could recollect it? A I don't know, that depends on how much sense he has, I have no opinion on it.
- Q Did he first mention about his father having him there at your house? A I asked him in our first conversation because I thought I knew him.

Q What did he say? A He did not say anything to me when I asked him. I asked him if he was not old man Shoto's son, and he said, "yes", that was all that was said about it.

Examined by John G. Lieber, attorney.

- Q Just give as much of the conversation as you can that took place out there at Okmulgee between you and Charlie Porter? A We just talked about how we used to cross cattle. I saw him across the street and I asked him if his name was Charlie and he said "Yes, old man Jupiter's son? I told him I thought I knew him and we talked it over and he said he was the same boy, and we then went on talking about things which had passed.
- Q That was about 12 years ago? A Yes sir, about the time we were building pastures out in the country.
- Q It was before this country was fenced up very much? A Yes sir.
- Q Did you see Charlie frequently while he was at Okmulgee? A Yes sir, very often but I don't know how often.
- Q Is he an acquaintance of yours? A Yes sir.
- Q Speaking of Jupiter Shoto, did the Jupiter Shoto that you saw down at the point with Charlie Porter after the war have any relatives in the Creek Nation that you know of? Yes sir, Tackey Grayson and his mother, Jennie Grayson.
- Q You testified awhile ago that Jupiter Shoto that you knew had a son named Robert Shoto? A Yes sir.
- Q What became of him? A He was drowned in the Verdigris river, I heard.
- Q How long after the war was it that you first met Jupiter Shoto? A I don't know just exactly, shortly after the war we came to Fort Gibson from Fort Smith, that was in July or August, don't know what year.
- Q Did Jupiter have the boy with him the first time you saw him? A No.
- Q How long after the first time you saw Jupiter was it that you saw him with the boy? A I don't remember just exactly, it was not long afterwards.
- Q Several months, years or what? A Several months.
- Q Do you know anything about figures? A Not much, what little I learned, I learned after I grew up.
- Q Do you know how to read or write? A I read a little and can write my name, not very well though.

TACKKEY GRAYSON, being duly sworn testifies as follows:

By Commission.

- Q What is your name? A Tackey Grayson.
- Q How old are you? A About 57 years old.
- Q What is your post office address? A Redbird.
- Q Are you a Creek Freedman? A Yes sir.

Examined by John G. Lieber, attorney.

- Q You testified in this case once before, did you not? A Yes sir.
- Q In your testimony heretofore given in this case you testified that you knew the applicant Charlie Porter and also his father, Jupiter Shoto, state whether or not Jupiter Shoto was a citizen of the Creek Nation? A Yes sir, he is a citizen of the Creek Nation.
- Q Citizen by blood or Creek Freedman? A Both, his mother was 1/2 Indian but of course as being slaves they called us Freedmen.
- Q Is the name of Jupiter Shoto on the Dunn Roll? A Yes, his and mine both.

- Q Has Jupiter Shoto any relatives in the Creek Nation? A Yes sir.  
C Does the relatives of Jupiter Shoto and the members of his family recognize Charlie Porter as the son of said Jupiter Shoto? A Well, yes, they knew him and Jiptah brought him there and said he was his son. He was there when I come home.  
Q Are you a relative of Jiptah Shoto? A Yes sir.  
Q What relation? A My uncle.  
Q Is Charlie recognized by your family as the son of Jiptah Shoto? A Yes sir, Jiptah brought him there and called him his son.

Examined by M.L.Mett, Creek Attorney.

- Q Did you know Jupiter Shoto? A Yes sir.  
Q Was he ever married? A I don't know anything about that.  
Q Did he ever have a wife in the Indian Territory? Yes sir, he married after the boy run off.  
Q Did he have a wife in the Nation before that time? A Yes, he did have a wife, he had children, he must of had a wife.  
Q Did you ever see him with his wife in the Indian Territory at the time he brought this boy there? A Not that I know of.  
Q Why did he not try to establish his rights before? A I don't know.  
Q Did he ever make any effort to appear before the Council that you know of? A No sir, not that I know of but he spoke to me and to some of the Peters about it.  
Q What did he say? A He come to woman called Flora and enquired for me and I was at the Court house. He asked a fellow if he knew Tackoy Grayson and the fellow said, "Yes.", and nudged me and I said who is your father.....  
Q Did he ask you to make an effort to have him enrolled? A He did ask me but I didn't do it.  
Q When? A The first year we made crops, we made crops for 3 years, and then less see that was 6 years and then the next council after that this boy come.  
Q Can't you guess when it was, 10 years? A I don't know.  
Q Was it 5 years? A Longer than that must have been about 10 years.  
Q Why did you not do it when he asked you to look after it for him? A Well he come to me and wanted me to get him on the rolls and I told him if he would come back when council was in session, I would see to it. You see the next council was a short session and we couldn't do anything then. He asked me what he had better do and I told him to go to his town king.  
Q How come to be his name Porter if his father's name was Shoto? A I don't know.  
Q What is his father's name? Jupiter Shoto.  
Q Well how did he come to get the name of Porter? A I tell you, I don't know, when this boy come to me at Okmulgee he said his name was Charlie Porter and I told him to change it to his fathers name but he did not do it.  
Q Did you ever know him by anything else? A Just Charlie.  
Q You say that Jupiter Shoto married after he brought the boy here and that was after the ~~boy~~ woman run off with the man named Porter? A Yes sir.  
Q Where was Charlie at this time? A He was not here, he run off.  
Q Do you know of Charlie Porter ever living with Shoto at any time? A The old man brought him here and they lived with the grandmother until the old man went back to Texas.  
Q After he was married was Charlie with him? A I don't know.

Examined by John G. Lieber, attorney.

- Q Did you know Jupiter Shoto well? A Yes sir.

Q What town does Jupiter Shoto belong to? A Northfork.

Examined by H.L.Mott.

Q How old was Charley when he came to Okmulgee? A I don't know, been about 11 years ago, he might have been 18 or 19 years old.

Q What is his appearance now as to age? A I don't know.

By John G. Lieber:

Q Do you know anything about figures? A No sir.

Q Do you know one figure from another? A Don't know.

Q Do you know an 8 from a 9? A I know an 8 for have branded it.

Q You can not tell figures apart? A I know 2, 3, 4, and 5.

Q Do you know how to add? A No sir.

Q How many trips from Texas did Jupiter Shoto make to this country? A 2 trips.

Q On which one did he bring this boy? A On the second trip.

Q How long after the war was this? A I lived out on the Deep Fork and made 2 crops and he came before I made the third crop.

Q It is in evidence here that Jupiter Shoto, after he brought his son Charlie here, went back after the mother, do you know whether or not Charlie was here when he went back after the mother? A Yes.

By H.L.Mott, Creek attorney.

Q You say he made 2 trips to this country, if Charlie was here when he went back to get the mother then Charlie must have been brought here on the first trip, was he not? A Yes sir, I suppose so. He was here when I came.

By John G. Lieber, attorney.

Q Do you know whether or not Jiptah Shoto ever went back to Texas after the woman he had there? A Yes sir, I heard he did go.

Q Who was with him when he came back? A He was by himself.

Q What if anything, did he say to you when he came back? A He said the woman had gone off with another man and mother said your wife is gone and your boy gone.

Q Along about that time just before the close of the war, was it the custom here in the Creek Nation to have a ceremony when a man took up with a woman. A No sir, we just took up with a woman and if she did not suit we could get another one tomorrow, never had any ceremony.

(Continued for further testimony)

I, Nona E. Waller, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

Nona E. Waller

Subscribed and sworn to before me this 9th day of September, 1904.

Edward McChick  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. NOV. 18, 1904.

In the matter of the application for the enrollment of Charley Potter as a Creek Freedman.

APPEARANCE: John G. Lieber, attorney for applicant.

Mary Griffith being duly sworn testified as follows:

By the Commission:

- Q What is your name? A Mary Griffith.
- Q How old are you? A I just don't know exactly how old I is.  
(Witness appears to be 65 or 70 years old.)
- Q Are you a citizen of the Creek Nation? A No sir.
- Q Do you know Charlie Potter? A Yes sir.
- Q How long have you known him? A I knowed him before he knowed himself.
- Q Did you know him all his life? A Yes sir, knowed him before he was born was with him all the time.
- Q Were you present when he was born? A Yes sir.
- Q How long did you live near him after he was born? A About 2 or 3 years.
- Q Where was he born? A Born in Texas.
- Q Did you leave where he was living with his parents then? A I left Texas.
- Q Where did you go? A I didn't leave Texas but I left the settlement where he was.
- Q You left the neighborhood in which he was born? A Yes sir.
- Q When he was about three years old? A Yes sir.
- Q How long was it until you saw him again? A It was about three or four years.
- Q How long have you lived in Oklahoma? A I have been living in Oklahoma now about 5 or 6 years.
- Q Where did you live before that? A In Texas.
- Q Did you see this boy when he was 9 or 10 years old? A Well, I don't know if it was 9 or 10 but he was right smart up in years.
- Q How long was it until you saw him again after that? A Well, I saw him then I reckon about 7 maybe years old; I reckon.
- Q What is the name of his father? A Julius Foto.
- Q Was that the name he went by when you knew him? A Yes sir.
- Q What was the name of his mother? A His mother named Martha.
- Q Was his father living in Texas when this boy was born? A Yes sir.
- Q How long did he live there after that? A Two or three years to my knowing; you see I moved away before he moved away.
- Q What was this applicant's name when he was a boy? A They called him Charlie.
- Q Charlie what? A Foto.
- Q Did you ever know him as being called by any other name? A Well, I never knowed it; I never remember of him being called by any other name but I have heard when he went off, she-- his mother-- taken another name so they called him.
- Q What was the other man's name? A Charlie.
- Q Charlie what? A I just don't know what his other name was; they-- if you want me to tell the truth-- I never did see him.
- Q Did you ever hear this applicant to be known by any to other name except Charlie--what was that name? A Choto.

Q Didn't you know him by any other name except Choto? A No sir,  
 Q What is this applicant's name? A I reckon as far as I learned--  
 Q What name have you known him by? A Charlie Choto.  
 Q Did you ever know him by any other name? A I don't know to say it.  
 I know he was known by another name.  
 Q I asked you awhile ago if you knew Charlie Potter and you said yes.  
 A I thought you said Choto.  
 Q Do you know a man called Charlie Potter? A Yes sir, now; I suppose  
 that's his name.  
 Q Do you know whether this man here, this applicant, is a son of this  
 man, Choto, or not? A Yes sir; cause his father came after me and I  
 was with him.  
 Q How long after he was a grown man til you saw him? A It was about 6  
 or 7 years.  
 Q After he was grown? A No sir; he wasn't that age.  
 Q After he was grown how long was it until you saw him? A He was about  
 6 or 7 years of age.  
 Q How do you know that this is the same man; the same child of Charlie  
 Choto? A They say that this is the same man by his mother.  
 Q When did you come from Oklahoma? A A little better than a year.  
 Q I thought you said your post office address was Oklahoma now? A Okla-  
 homa; Oh, I just come from Oklahoma the day before yesterday.  
 Q How long had it been before that since you had seen this applicant?  
 A Well, about two years or so;  
 Q Where did you see him? A I saw him here in the Creek Nation.  
 Q Were you living in the Creek Nation then? A I wasn't living in the  
 Creek Nation but I have some people living here and I had come to see  
 them.  
 Q And you saw him then? A Yes sir.

By Mr. Lieber:

Q Aunt Mary, you say you knew his father and his mother? A Yes sir.  
 Q I believe you stated that you was present when this Charlie Potter  
 was born? A Yes sir.  
 Q Can you tell about when it was that he was born? A He was born along  
 in March.  
 Q How do you know it was March? A It was very cold weather and it was  
 time to plant corn.  
 Q Do you know what year he was born? A No sir; it was after the surren-  
 der though.  
 Q How many years after the surrender, if you know? A Well, about two  
 or three years.  
 Q How long did you live in the settlement there where Charlie was born,  
 along about the time he was born? A I lived there a little better than  
 two years.  
 Q After he was born? A Yes sir.  
 Q How long did you know his mother before Charlie was born? A About  
 three years I believe.  
 Q About 2 or 3 years? A Yes sir.  
 Q Did she and Jupiter Choto live together as man and wife? A Yes sir,  
 and then I moved away out of the settlement.  
 Q When you left the settlement they were still living there? A Yes sir.  
 Q Were they recognized in the community as husband and wife? A Yes sir.  
 Q How many children did they have? A Just one.  
 Q What you know of? A That I know of; just this one.  
 Q And you have known this boy off and on from the time he was born  
 until the present time? A Yes sir.  
 Q Did you ever hear Jupiter Choto say anything about having a right  
 here in the Creek Nation? A Yes sir; said he had a right here.  
 Q Tell the Commission something about it if you can remember anything;  
 how you happened to hear him say so. A How come me to say what cause  
 I was with him there; with his wife, and I stayed around there a right  
 smart bit and he spoke of wanted to come; his father did; wanted to come  
 in the Creek Nation as soon as ever he could get off to come to the Creek  
 Nation where he had a right. Now, for me to say I know when he came I



don't know for I moved from the settlement where he lived but he said he was coming.

Q Aunt Mary, have you ever been a witness in a case before? A No sir, I have never been a witness in a case before in my life.

Q Do you know anything about figures? A No sir.

Q Do you know how to read or write? A No sir.

Q You don't know how old you are, do you? A No sir; I can tell you though I had children was grown before the surrender.

Q You mean that you had grown children during the war? A Yes sir.

Q Do you know how this boy happened to be called Potter when his father was named Ohto? A To say for me to know- I just don't know, but I just has it this way; his mother she married again and I suppose that may be they just called him in his father's name.

Q In the step-father's name? A Yes sir.

Q You didn't know his step-father? A No sir.

Q Never knew his mother after she married his step-father? A No sir.

By the Commission:

Q Was this applicant born in the early part of March or the latter part of March; what part of the month was it? A Well, I just don't know; I know it was in the ~~early~~ part of March; along about in planting corn in Texas there; it was the time they started to plant.

(Upon request of the attorney for applicant this case is continued for 30 days for the purpose of introducing additional testimony.)

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Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 19th day of November, 1904.

*J. H. Campbell*

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. NOV. 30, 1904.

En. 661

In the matter of the application for the enrollment of Charlie Potter et al., as Creek Freedmen.

APPEARANCES: John G. Lieber, Att'y for applicants.  
(The Commission is informed that Mr. Mott is out of the city.)

William Lee being duly sworn testified as follows:

By the Commission:

Q What is your name? A William Lee.

Q How old are you? A About 70 years old.

Q What is your post office address? A Shawnee.

Q Where is Shawnee? A In Oklahoma.

Q Where do you live? A In Oklahoma.

Q How long have you lived in Oklahoma? A I have lived there about 6 years I reckon; I came there in 1899.

Q Where did you live before that? A In Texas.

Q How long did you live in Texas? A Well, I first come to Texas in '67.

Q What time in '67 did you come to Texas? A In February.

Q Where did you come from to Texas? A From Alabama.

Q Do you know this applicant? A Yes sir.

Q How long have you known him? A Well, I have been knowing him ever since he was born; I haven't been seeing him ever since; that is I knew his father and mother before he was born.

Q At the time he was born how far did you live from him? A About a mile I guess.

Q How long did you live that near to him? A Well, for several years; I reckon 15 or 16 years.

Q Did he live within a mile of you up to the time he was 15 years old; all the time? A Yes sir, his folks did.

Q Well, did he? A Well, the time he was there he lived there.

Q Well, was he there all the time? A Up till when, did you say?

Q Up to the time he was 15 years old? A I said I lived close to them 15 years.

Q I am talking about him. A No sir, he didn't live there all the time till he was 15 years old.

Q How long after he was born did he live that close to you? A Well, after he was born he lived there about 9 or 10 years with the exception of he went away from there.

Q How old was he when he went away from there the first time?

A Well, when he first left there I guess he was about 5 or 6 years old as near I can come.

Q About how long was it then until you saw him again? A It was over a year I reckon.

Q Where did you see him the next time? A The next time he come back where he went from, to his mother.

Q When he first went away from there did he go by himself? A I don't know whether he went by himself or how he went but his father had been gone from there some time and he come back.

Q When this boy went from there he stayed about a year; then he came back, and how long did he stay in your neighborhood? A After he came back he stayed there to my knowing till he was about I reckon 9 or 10 years old. When I last lost sight of him he was 9 or 10.

Q Well, how long was it till you saw him again? A Well, I don't know; I never seen him again until I came to Oklahoma.

Q How long after you come to Oklahoma till you saw him? A I seen him when I first come to Oklahoma; I was looking out some place to stay

and I met up with him.

Q Did you recognize him as being the same person you knew as a boy in Texas? A Yes sir, after I had looked at him a while I recognized him and inquired of him wasn't he old man Choto's son.

Q How long after you came from Alabama to Texas was it until this applicant was born; was this boy born in '67 when you came to Texas? A No sir.

Q How long after you came there until he was born? A Well, I came there in February and he was born in March.

Q Well, how long was it after you came there until he was born? A It was something over a month.

Q What time in February did you come there, do you remember? A It was on the 9th of February.

Q Did you make a record of the time that you came there? A I made a record of it in my mind; I never set it down but I remember the days.

Q Do you know what time in March this boy was born? A On the 17th.

Q Did you make a record of that? A The only record I had was this; my wife died the same day this boy was born; that's how come me to know the time so well; I never could forget that.

Q You are positive that this applicant that you knew in Texas as a boy is the same person you knew there as a boy? A Yes sir, this is the same person.

Q What is his name? A Charlie Potter.

Q What is the name of his father? A His father was named Jupiter.

Q Jupiter what? A Choto.

Q What was the name of his mother? A His mother was named Martha.

Q Martha what? A Martha Choto when I knowed her; after she married her man she went by the name of Martha Potter.

Q Whom did she marry? A A fellow by the name of Jim Potter.

Q How come this man's name Potter, if his father's name was Choto?

A I guess he just taken the name of his step-father; that's what they called him.

By Mr. Lieber:

Q About how old was Charlie when his mother married this man, Potter?

A Charlie was-- about 6 or 7 years old.

Q Just a small strap of a boy? A Yes sir. I don't know exactly how old he was.

Q The way that you remember the date of this boy's birth is that he was born on the same day your wife died? A Yes sir, that's the only reason I can remember him so well.

Q And you know your wife died on the 17th day of March, 1867? A Yes sir; when he was born he was ill-formed, kind of a twisted mouth and he has that same mouth yet; that's how I come to know this boy in Oklahoma.

(Statement by attorney Lieber:)

The applicant being present at this examination we desire to call attention to the peculiar feature of his mouth as having been referred to by a previous witness as being a means of identification.)

Q Were you living there in the settlement where Charlie and his parents lived when the old man, Jupiter came up here to the Nation? A Yes sir, I was living there when he went away.

Q Did he afterwards come back? A Yes sir.

Q While he was gone what became of his wife? A Well, she was still there.

Q What did she do; did she marry somebody else while the old man was up here? A Married this man, Jim Potter; he was a fellow staying there and it is just a supposition with me I guess, while he was gone she thought he wasn't coming back.

Q And she just married Potter? A Yes sir.

Q And when the old man got back there he found his wife was living with Potter? A Yes sir, found she had this man, Potter; and I heard it said that she had married another man and she was going to take his boy.

Q Did he afterwards take his boy? A Well, I didn't see him take him.

Q But they both left there about the same time? A Yes sir.  
Q About how old was Charlie at that time when the old man took him away?  
A He was about I guess 6 or 7 years old; 5 or 6; I don't know exactly.

By the Commission:

Q Were the father and mother of this applicant living together as man and wife when he was born? A Yes sir; that was, when I knew them.

Q I am talking about when this man was born? A Yes sir.

Charlie Potter being duly sworn testified as follows:

By the Commission:

Q What is your name? A Charlie Potter.

Q You are the principal applicant in this case? A Yes sir.

Q How long have you been married? A About 15 years I guess or 14.

Q How old were you when you were married? A I was about 22 or 23 years old.

(Statement by Mr. Lieber: The applicant here rests his case, except for rebuttal.)

----

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 30th day of November, 1904.

*Edward C. Hains*

Notary Public.

En. 689.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY, MARCH 22, 1905.

-ooOoo-

In the matter of the application for the enrollment of Charley Potter, et al., as Creek ranchmen.

APPEARANCE: JOHN W. LIBBEY, Attorney for applicants.

CHARLEY POTTER, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

- Q What is your name? A Charley Potter.  
Q How old are you? A Thirty-seven.  
Q What is your postoffice address? A Grayson.  
Q Are you the same Charley Potter that appeared here before the Commission and made application to be enrolled? A Yes, sir--- I expect I am thirty-eight.  
Q You made application for a child named William Potter? A Yes.  
Q When was William born? A May 1, '91.  
Q Do you mean '91 or 1901? A 1901.  
Q Is William living? A Yes.  
Q Is that him? A Yes.

Child is present and appears to be about the age indicated.

Zera Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

*Zera Ellen Parrish*

Subscribed and sworn  
to before me this 25th day  
of March, 1905.

*Charles S. Sweeney*  
Notary Public.

22  
No. 681.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Charlie Potter et al., as Creek Freedmen.

SUPPLEMENTAL STATEMENT.

1891 and 1895 Omitted Rolls of the Creek Nation examined and none of the applicants herein are identified on either of said Rolls.

Records of the proceedings of the Colbert Commission in the possession of the Commission examined and it does not appear that application was made to said Commission for the admission of the applicants herein, or any of them to citizenship in the Creek Nation.

Record of the proceedings of the Commission to the Five Civilized Tribes under authority of the act of Congress of June 10, 1896, examined and it does not appear that application was made to the Commission for the admission of the applicants herein, or any of them, to citizenship in the Creek Nation.

  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,

April 27, 1905.



Cr.No. 681 .

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,

IN the matter of the application for the enrollment of  
Charlie Potter, et al., as Creek Freedmen.

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That on August 30, 1904, Charlie Potter appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of himself and six minor children, Jimmie, Mammie, Argie, Lelah, Millie and William Potter as Creek Freedmen. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on September 3rd and 7th and November 18th and 30th, 1904, and March 2nd and April 27th, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants herein claim the right to Creek freedmen citizenship as the descendants of one whose name appears on the Dura Roll. In order to establish such right the principal applicant herein must show, among other things, that he was born subsequent to March 14, 1867, (Dun Campbell I.T.D. 7752-1903), and this must be shown by satisfactory evidence. Eliza Bryant, et al. (I.T.D. 844-1904), William Reeter (I.T.D. 1468-1904), Minnie Duncan, et al. (I.T.D. 1470-1904), Samantha Chambers (I.T.D. 2296-1904), Ed Williams (I.T.D. 4230-1904), Jane Looney et al. (I.T.D. 6416, 12688-1904), Florence Bratches (I.T.D. 12692-1904), Moses Ross (I.T.D. 6056-1904), and Frank Grummett (I.T.D. 17902-1905).

On behalf of the applicants five witnesses were introduced to establish the age of the principal applicant, the first three of whom, Logan Morgan, Bob Daniels and Tackay Grayson, testified



that they first saw the principal applicant within five years after the close of the war and place his age at that time from four to seven years. The principal applicant testified that he was brought from Texas to the Creek Nation a few years after the Rebellion (the time the above named witnesses saw him) where he remained about a year when he ran away and returned to Texas. This testimony strongly indicates that the principal applicant was born several years prior to March 14, 1867. The next witness, Mary Griffith, testified that the principal applicant was born in March 1867, but as to her own age says: "I just don't know exactly how old I is", and as to her acquaintance with the principal applicant states "Knewed him before he was born, was with him all the time", statements in themselves sufficient to indicate her ignorance and discredit any testimony she might have relative to the date of said principal applicant's birth. Granting her testimony full faith and credit, however, would avail the applicant nothing as she only testifies that said principal applicant was born in "March 1867", but whether before or subsequent to the 14th of said month she does not attempt to say.

The last witness, William Lee, testified that the applicant was born on March 17, 1867, and identified that date by the fact that his "wife died the same date this boy was born." This witness, however, fails to establish the date of his wife's death, hence, it is not apparent how this alleged coincidence serves to identify the date of applicant's birth. "The date of the collateral fact by which the date in question is to be fixed must itself be established." *Cunningham vs Burdell*, 4 Bradf. (N.Y.Sur.) 467. *Rogers vs Fitch*, 31 Fed.Rep. 969, 963. "If the former date rests on unaided memory, it can impart no certainty to the latter. *Willotte vs Fisher*, 31 L.ed. 804. *Betterdorf Patent Company vs*

Wheel Company, 123 Fed. Rep. 435, for the witness would be as likely to err in regard to the former date as to the latter. Pettibone vs Steel Company, 133 Fed. Rep. 735. (Law notes, April, 1906, Page 9, 10.)

The foregoing considered, I am of the opinion that the evidence in this case fails to satisfactorily establish that the principal applicant was born subsequent to the date of the Dunn roll, to-wit, March 14, 1867, and that under the rulings of the Department, *Supra*, this application should be denied.

There is another point in this case, however, that I deem worthy of consideration, namely: the evidence herein shows conclusively that the principal applicant was born and married in Texas, and with the exception of about one year forced residence in the Creek Nation continuously lived outside the limits of the Indian Territory until the early 90's. The principal applicant places his removal to the Creek Nation at "about 14 years" prior to the date of his appearance before the Commission on August 30, 1904, which would make it about 1890. One of his witnesses, Tack<sup>ov</sup><sub>A</sub> Grayson, an alleged relative, thinks it was about 1892 or 1894 that this applicant removed to said nation. Thus it appears from the evidence herein that this applicant, except as above noted, lived the first 23 years of his life outside the limits of the Creek Nation.

An Act of the Creek Council approved October 26, 1899, provides, in part, as follows:

"All persons who were born, and who may be hereafter born, beyond the limits of the Indian Territory, and may have heretofore been entitled to make application for citizenship, on account of Indian blood or tribal adoption, and who have continuously resided beyond or outside of the jurisdictional limits of Muskogee Nation for the period of 21 years, are hereby declared aliens, and not entitled to citizenship in the Muskogee Nation or to any of the privileges thereof.

The minor children and descendants of persons so debarred from citizenship and declared aliens, are hereby also excluded from citizenship in the Muskogee Nation, and from all the privileges thereof." Sections 298 and 296, Constitution and Laws of the Muskogee Nation, 1893.

In the approved opinion of the Assistant Attorney General in the case of James M. Barber et al., Cr. No. 342, it is said:

"He (James L. Barber) says he came to the Nation in 1872 but went back to Texas and removed with his family to the nation in 1890. From this and his age I infer that he was born in Texas in 1855 and resided there until 1890 when 37 years old," and after citing the foregoing act of the Creek council says "He was made by the act an alien to the Nation, though he were a fullblood Creek and it never has since consented to his rehabilitation to the body of its citizens." Citing "Opinions Springer, Judge, Creek Citizenship cases- Decisions U.S. Courts, Ind.Ter.1899, Page 524." (I.T.D. 4812-1904)

In the later Creek case of Louvica Tunnell, et al., wherein a motion for review was filed by the applicants, the Department said: "She has continuously resided beyond and outside the jurisdictional limits of the Muskogee Nation for a period of over 21 years and by the Act of the Creek National Council approved October 26, 1899, she is declared to be an alien, not entitled to citizenship in the Muskogee Nation or to any of the privileges thereof." ( I.T.D.3160-1904, 5902 and 10698-1906) , and citing the opinion of the Assistant Attorney General in the Barber case, supra, denied the motion.

That the principal applicant considered himself an alien when he removed to the Creek Nation in the early 90's is shown by his testimony given on his first appearance before the Commission when the question "When you came back to the Creek Nation the

last time did you make any effort to be enrolled?" answered "I come to Okmulgee a time or two and to the Council to try to get enrolled but I never did get in the Council; didn't have no means or anything", also by the testimony of his relative, Tackey Grayson, a member of the Creek Council, at the time, who, to the following questions answered as below indicated.

- "Q Did he ask you to make an effort to have him enrolled?  
A He did ask me but I didn't do it.  
Q Why did you not do it when he asked you to look after it for him? A Well, he come to me and wanted me to get him on the rolls and I told him if he would come back when Council was in session, I would see to it. You see the next Council was a short session and we couldn't do anything then. He asked me what he had better do and I told him to go to his town king."

And that the Creek authorities considered him an alien as evident from the fact that they have never enrolled him as a citizen of the Creek Nation nor by any other act recognized him as entitled to such citizenship. Therefore, to now grant his application for enrollment as a Creek Freedman would be, in effect to admit him to citizenship in the Creek Nation---a power clearly beyond the jurisdiction of this office. See James M. Barber et al., supra.

IT IS THEREFORE ORDERED AND ADJUDGED: That under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), March 1, 1901 (31 Stats., 861), and June 30, 1902 (32 Stats. 800, Charlie Potter, Jimmie Potter, Mammie Potter, Argie Potter, Lelah Potter, Millie Potter and William Potter, are not entitled to enrollment as Creek Freedmen and their application for enrollment as such is accordingly denied.

(Signed) Tams Bixby,

Dated at Muskogee, Indian Territory,  
this July 24, 1908.

Commissioner.

## IN RE

Application for Enrollment of

INFANT CHILD

*Jimmy Patter*  
as a citizen of*Creek.* Nation.

Approved.....190

Commissioner.

Department of the Interior  
Commission to Five Civilized  
Tribes

Filed Oct. 27-1904

Amjed Tams Raby

Copy 20

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,  
of Jimmie Potter (Here insert name of child), born on the 10 day of October, 1891.  
Name of Father: Charley Potter a citizen of the Creek Nation.  
Name of Mother: Millie Potter a citizen of the \_\_\_\_\_ Nation.  
Post-office Grayson I. T.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Western District.

I, Millie Potter, on oath state that I am 33  
years of age and a citizen, by Freedman, of the Creek Nation;  
that I am the lawful wife of Charley Potter, who is a citizen, by  
Freedman, of the Creek Nation; that a Male child was  
(Male or female)  
born to me on 10 day of Oct, 1891; that said child has been named  
Jimmie Potter, and is now living.

WITNESSES TO MARK:

x Millie Potter

Subscribed and sworn to before me this 3 day of Oct, 1904.  
My Commission Expires Oct 17-1906 W. H. Harrison  
NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Western District.

I, A. J. Smith, a Physician, on oath state that I at-  
tended on Mrs. Millie Potter, wife of Charley Potter  
on the 10 day of October, 1891, that there was born to her on said  
date a Male child; that said child is now living and is said to have been named  
(Male or female)  
Jimmie Potter.

WITNESSES TO MARK:

A. J. Smith M.D.

Subscribed and sworn to before me this 3 day of October, 1904.  
My Commission Expires October 17-1906 W. H. Harrison  
NOTARY PUBLIC.

681

BIRTH AFFIDAVIT	IN RE	to	Name of child	Name of mother
	Application for Enrollment of	Name of father	Name of child	Name of mother
	INFANT CHILD	Name of child	Name of mother	Name of mother
	<i>Regis Carter</i>	as a citizen of	Nation.	
	<i>Green</i>			
Approved	Commissioner	190		
	Commissioner			

FILED

FILED

FILED

Department of the Interior  
Commissioner to the Five  
Civilized Tribes filed  
Oct. 17-1904  
Signed James B. Bixby



Copy.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,  
of Aggie Potter (Here insert name of child), born on the 3 day of July, 1895.  
Name of Father: Charley Potter a citizen of the Creek Nation.  
Name of Mother: Millie Potter a citizen of the Creek Nation.  
Post-office: Grayson & T.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
Western District.

I, Millie Potter, on oath state that I am 33  
years of age and a citizen, by Freeman, of the Creek Nation;  
that I am the lawful wife of Charley Potter, who is a citizen, by  
Freeman, of the Creek Nation; that a Girl child was  
(Male or female)  
born to me on 3 day of July, 1895; that said child has been named  
Aggie Potter, and is now living.

WITNESSES TO MARK:

x Millie PotterMust be Two  
Witnesses.

My Commission Expires  
Oct. 17-1906

Subscribed and sworn to before me this

3

day of Oct1906W. H. Harrison

NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,  
Western District.

I, A. J. Smith, a Physician, on oath state that I at-  
tended on Mrs. Millie Potter, wife of Charley Potter,  
on the 3 day of July, 1895; that there was born to her an  
child; that said child is now living and is said to have been named  
Aggie Potter.

WITNESSES TO MARK:

A. J. Smith M.D.

My Commission Expires  
Oct. 17-1906

Subscribed and sworn to before me this

3

day of Oct1906W. H. Harrison

NOTARY PUBLIC.

681

IN RE

Application for Enrollment of

INFANT CHILD

*Robert Peter*

as a citizen of

*Guam*

Nation.

Approved

1904

Commissioner.

Department of the Interior  
Commissioner to the first  
circular to the  
Filed October 27 1904  
Signed Commissioner B. J. H. J.

Copy 12

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In An Application for Enrollment, as a citizen of the Chick Nation,  
of Leland Potter (Here insert name of child)  
born on the 1 day of December, 1897  
Name of Father: Chas. Potter a citizen of the Chick Nation,  
Name of Mother: Mellie Potter a citizen of the Chick Nation,  
Post-office Dayton, O. F.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
Indian Territory,  
Wetters District.

I, Mellie Potter, do hereby state that I am 39  
years of age and a citizen, by Marriage of the Chick Nation,  
that I am the lawful wife of Chas. Potter who is a citizen, by  
Fredman of the Chick Nation; that a Boy child was  
born to me on 1 day of December, 1897 that said child has been named  
Leland Potter, and is now living.

WITNESSES TO MARK:

X Mellie Potter

Subscribed and sworn to before me this 3 day of Dec,  
My Commission expires Oct 17-1906  
W. H. Harrison  
NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,  
Indian Territory,  
Wetters District.

I, A. J. Smith, a Physician, do hereby state that I at-  
tended on Mrs. Mellie Potter, wife of Chas. Potter  
on the 1 day of December, 1897 that there was born to her an infant  
child, that said child is now living and is said to have been named  
Leland Potter (Male or female)

WITNESSES TO MARK:

X A. J. Smith M.D.

Subscribed and sworn to before me this 3 day of Dec,  
My Commission expires Oct 17-1906  
W. H. Harrison  
NOTARY PUBLIC.

687

11

IN RE

Application for Enrollment of

INFANT CHILD

*Maria Pitter*

as a citizen of

*Green*

Nation.

Approved

1904

Commissioner.

Department of the Interior  
Commissioner to the  
Five Civilized Tribes  
File

October 27, 1904

Respectfully,  
James R. Bixby

# DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES,

In Re Application for Enrollment, as a citizen of the Chick Nation,  
of Mamie Potts born on the 2 day of August 1892  
Name of Father: Charles Potts a citizen of the Chick Nation,  
Name of Mother: Milla Potts a citizen of the Chick Nation,  
Presented by Grayson S. F.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Western (State).

I, Milla Potts am with child that I am 33  
years of age and a citizen, by Frederman of the Chick Nation,  
that I am the lawful wife of Charles Potts who is a citizen, by  
Frederman, of the Chick Nation, that a girl child was  
born to me on 2 day of August 1892 that said child has been named  
Mamie Potts and is now living.

WITNESSES TO MARK:

Milla Potts

Do  
Witnesses:

Subscribed and sworn to before me this  
5 day of Oct  
My Commission  
Expires Oct. 1, 1906

A. H. Harrison  
NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Western (State).

I, A. J. Smith am with child that I am  
contacted on Mrs. Milla Potts with of Charles Potts  
on the 2 day of August 1892 that there was born to her an  
child, that said child is now living and is said to have been named  
Mamie Potts

WITNESSES TO MARK:

A. J. Smith

Do  
Witnesses:

Subscribed and sworn to before me this

5 day of Oct

My Commission

A. H. Harrison

NOTARY PUBLIC.

Expires Oct. 1, 1906

687

IN 44

Application for Enrollment of

INFANT CHILD

William P. P. P.

as a citizen of

France

Nation

Approved

for

Enrollment

Department of the Interior  
Commissioner of the Land  
Civilized Life  
Filed 10.22.04  
Signed T. W. Bird by

*Copy.*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,  
of William Potter, born on the 1 day of May, 1904  
(Here insert name of child)  
Name of Father: Charley Potter a citizen of the Creek Nation.  
Name of Mother: Millie Potter a citizen of the Creek Nation.  
Post-office Grayson, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, }  
Western District.

I, Millie Potter, on oath state that I am 33  
years of age and a citizen, by Freedman, of the Creek Nation;  
that I am the lawful wife of Charley Potter, who is a citizen, by  
Freedman, of the Creek Nation; that a Boy child was  
(Male or female)  
born to me on 1 day of May, 1904; that said child has been named  
William Potter, and is now living.

WITNESSES TO MARK:

x Millie Potter

*Not*  
Must be Two  
Witnesses.

*My*  
Commission Expires to before me this 9  
Oct. 17, 1906

day of Oct., 1904  
W. H. Harrison  
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, }  
District.

I, D. J. Smith, a Physician, on oath state that I at-  
tended on Mrs. Millie Potter, wife of Charley Potter  
on the 1 day of May, 1904, that there was born to her on said  
date a Boy child; that said child is now living and is said to have been named  
(Male or female)  
William Potter

WITNESSES TO MARK:

D. J. Smith M. D.

*Not*  
Must be Two  
Witnesses.  
*My*  
Commission Expires to before me this 9  
Oct. 17, 1906

day of Oct., 1904  
W. H. Harrison  
NOTARY PUBLIC.



607

28

IN RE

Application for Enrollment of

INFANT CHILD

*Millie Potter*

as a citizen of

*Greek*

Nation.

Approved

190

Commissioner.

Department of the Interior  
Commissioner to the Grek  
Cavalry at the bar  
Filed Oct. 27. 1904

Injunct James Rix by

# DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,  
 of Minnie Potter born on the 25 day of August, 1877  
 (State month and day)  
 Name of Father: Charles Potter a citizen of the Creek Nation,  
 Name of Mother: Minnie Potter a citizen of the Creek Nation,  
 Post-office Grayson, I. T.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
 TERRITORY OF INDIAN TERRITORY,  
 County of Wagon

I, Minnie Potter, do hereby state that I am 33  
 years of age and a citizen, by Marriage of the Creek Nation,  
 that I am the lawful wife of Charles Potter, who is a citizen, by  
Marriage, of the Creek Nation; that a girl child was  
 born to me on 25 day of August, 1877, that said child has been named  
Minnie Potter, and is now living.

WITNESSES TO MARK

x Minnie Potter

Commissioner  
October 14, 1906

day of Oct, 1906  
W. H. Harrison

NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,  
 TERRITORY OF INDIAN TERRITORY,  
 County of Wagon

I, J. A. Smith, a Physician, do hereby state that I at-  
 tended on Mrs. Minnie Potter, wife of Charles Potter,  
 on the 25 day of August, 1877, that there was born to her an said  
 child a girl child that said child is now living and is said to have been named  
Minnie Potter.

WITNESSES TO MARK

J. A. Smith M. D.

Commissioner  
Oct 19, 1906

day of Oct, 1906  
W. H. Harrison

NOTARY PUBLIC.

8873

Creek No. 661

Muskogee, Indian Territory, December 6, 1904.

M. L. Nett,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

A copy of the testimony in the matter of the application for the enrollment of Charlie Potter, et al., as Creek Freedmen, is inclosed.

The Creek Nation will be allowed a reasonable time within which to introduce evidence in the case.

Respectfully,

Chairman.

WCH-2-12-6.

*Handwritten initials*

En: 681.

Muskogee, Indian Territory. January 19, 1905.

John G. Zieher,  
Attorney for Charlie Potter, et al.,  
Muskogee, Indian Territory.

Sir:-

In the matter of the application for the enrollment of Charlie Potter, et al., as Creek Freedman, you are advised that the Commission desires further evidence relative to the date of birth of William Potter.

The applicant has been allowed thirty days from date hereof within which to introduce said evidence.

Respectfully,

Chairman.

*W. H. H.*  
No. 661.

Muskogee, Indian Territory. January 19, 1905.

M. J. Mett,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:-

In the matter of the application for the enrollment of Charlie Potter, et al., as Creek Freedman, you are advised that the applicant has been allowed thirty days from date hereof within which to introduce further evidence in the case.

Respectfully,

Chairman.

West

No. 881.

Muskogee, Indian Territory. January 19, 1905.

Charlie Potter,

Grayson, Indian Territory.

Dear sir:-

In the matter of your application for the enrollment of yourself and your minor children as Creek Freedmen, you are advised that the Commission desires further evidence relative to the birth of your minor child, William Potter.

You are hereby notified that you will be allowed thirty days from date hereof within which to bring before the Commission the mother of said child, Doctor S. J. Smith and one other person who knows the date of birth of said child.

Respectfully,

---

CHAIKIN.

Register.

✓  
UP An 603

Muskogee, Indian Territory, October 24, 1906.

Clerk in Charge,

Usual Land Office.

Dear Sir:

In compliance with your verbal request to be advised as to the status of the application for the enrollment of Argie and William Potter as Usual Freedmen, you are advised that on August 24, 1904, Charlie Potter made application for the enrollment of himself and his minor children, Jimmie, age 12, Mammie, age 10, Argie, age 9, Julia, age 6 1/2, Willie, age 5 and William, age 4, as Usual Freedmen.

You are further advised that a decision, denying all of the above applicants, is now before the Chief Law Clerk.

Respectfully,

Jimmie H. H. H.



COPIES IN HAND TO THE FOLLOWING:  
OF 881

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 28, 1908.

Chief Clerk,  
Creek Enrollment Division,  
General Office.

Dear Sir:

In the matter of the application for the enrollment of Argie Potter as a freedman of the Creek Nation, you are advised that Creek Land Contest No. 884, entitled Charley Potter for his minor daughter, Argie Potter, versus Jimmie Kargo, as father and natural guardian of Johnnie Kargo, a minor, has been held open pending the determination of said application.

As soon as the application has been finally passed upon by the Honorable Secretary of the Interior, you are requested to advise the Allotment Contest Division, so that the contest above referred to may be disposed of in the regular way.

Respectfully,

Commissioner

✓

REPLY TO THE FOLLOWING:

CR. No. 443

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 28, 1905.

Chief Clerk,  
Creek Enrollment Division,  
General Office

Dear Sir:

In the matter of the application for the enrollment of William Potter as a freedman of the Creek Nation, you are advised that Creek Land Contest No. 888, entitled Charley Potter for his minor son, William Potter versus Ed Winters as father and natural guardian of Elijah Winters, a minor, has been held open pending the determination of said application.

As soon as the application has been finally passed upon by the Honorable Secretary of the Interior, you are requested to advise the Allotment Contest Division, so that the contest above referred to may be disposed of in the regular way.

Respectfully,

Commissioner

Washoe, Indian Territory, June 21, 1906.

Chief Clerk,  
Creek Land Office,  
Washoe, Indian Territory.

Dear Sir:

In compliance with your request of June 19, 1906,  
you are advised that an application for the enrollment of  
Charlie Potter, et al is pending before the Commissioner.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Washago, Indian Territory, July 10, 1906

Chief Clerk,  
Creek Enrollment Division,  
General Office

Dear Sir:

In the matter of the applications for the enrollment of Charlie Potter, Lelah Potter, Millie Potter and William Potter as freedmen of the Creek Nation, you are advised that Creek Allotment Contests Nos. 871, 872, 873, 874, 875 and 876 have been held open pending the determination of said applications.

As soon as these applications have been finally passed upon by the Honorable Secretary of the Interior you will advise the Allotment Contest Division so that these contests above referred to may be disposed of in the regular manner.

Respectfully,

Commissioner

Cr. No. 681.

Madagee, Indian Territory, July 26, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Charlie Potter et al., as Creek Freedmen, including the decision of the Commissioner, dated July 24, 1906.

Respectfully,

Commissioner.

LM-61.

Through the  
Commissioner of Indian Affairs.

Gr. An. 481.

Mustagee, Indian Territory, July 26, 1906.

Charlie Potter,

Grayson, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, Fannie, Mammie, Angie, Irviah, Millie and William Potter, as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case in this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

DM-9A.

Commissioner.

Mr. No. 681.

Muskogee, Indian Territory, July 26, 1906.

John G. Lieber,

Attorney for Charlie Potter et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Charlie Potter, et al., as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,



IM-79.

Commissioner.



Crn. 681.

Muskogee, Indian Territory, July 28, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is ~~herewith~~ enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Charlie Potter, et al., as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,



LM-60.

Commissioner.

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

LLB 3737

I.T.D. 15430-1906.

November 14, 1906.

LRS

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

July 26, 1906, you transmitted the record in the matter of the application for the enrollment of Charlie Potter and his six minor children, Jimmie, Mamie, Argie, Lelah, Millie, and William Potter, as Creek Freedmen, including your decision of July 24, 1906, adverse to the applicants.

Reporting August 29, 1906 (Land 68576), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

October 22, 1906, attorney for applicants filed brief and argument in reference to said case.

The Department concurs in the recommendation made, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thon Ryan  
First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 5 to Ind. Of.

Copy  
DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

Refer in reply to the following:

Land

64733-1906.

66576-1906.

August 29, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the inclosed record of the Commissioner to the Five Civilized Tribes on the application for the enrollment of Charlie Potter and his six minor children, Jimmie, Mamie, Argie, Leiah, Millie and William Potter as Creek Freedmen.

The Commissioner in his decision finds that the evidence in the case shows that the applicants claim the right to Creek freedmen citizenship as the descendants of one whose name appears on the Dunn roll, and adds that in order to establish such right the principal applicant must show, among other things, that he was born subsequent to March 4, 1867.

On behalf of the applicants five witnesses were introduced to establish the age of Charlie Potter, and the Commissioner discusses the evidence furnished by those witnesses. After a full consideration of the record, Mr. Bixby expresses it as his opinion that the evidence in the case fails to satisfactorily establish that the principal applicant was born subsequent to the date of the Dunn roll, March 4, 1867, and that under the rulings of the Department to which he refers the application should be denied.

The evidence in the case shows that the principal applicant was born and married in Texas, and with the exception of about one year of forced residence in the Creek Nation, continuously lived outside the limits of the Indian Territory until the early nineties. He places his removal to the Creek Nation at "about fourteen years" prior to the date of his appearance before the Commission on August 30, 1904, which would make it about 1890, and the Commissioner says that the evidence proves that the applicant, except as above noted, lived the first twenty-three years of his life outside of the Creek Nation.

Mr. Bixby concludes under all the evidence and the decisions which bear on this case, that Charlie Potter and those claiming through him are not entitled to enrollment as freedmen of the Creek Nation. I agree with him in this conclusion, and therefore recommend that his decision be approved.

There is inclosed a letter of the 7th inst nt from John G. Lieber, an attorney of Muskogee, concerning this case.

Very respectfully,

F. E. Leupp.

Commissioner.

RMH-K-N.

Cr. En. 681.

Muskogee, Indian Territory, November 23, 1906.

M. L. Mott,  
Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Sir:

You are hereby advised that on November 14, 1906  
(I.T.D. 18430-1906), the Secretary of the Interior approved the  
decision of the Commissioner to the Five Civilized Tribes  
denying the application for the enrollment of Charlie Potter  
et al. as Creek freedmen.

Respectfully,

Commissioner.

Gr. No. 681.

Muskogee, Indian Territory, November 25, 1906.

John G. Lieber,

Attorney for Charlie Potter et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on November 14, 1906 (I.T.D. 15430-1906), the Secretary of the Interior approved the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Charlie Potter et al. as Creek freedmen.

Respectfully,

Commissioner.

Gr. In. 681.

Muskogee, Indian Territory, November 23, 1906.

Chief Clerk,

Creek Land Office.

Dear Sir:

You are hereby advised that on November 14, 1906 (I.T.D. 18480-1906), the Secretary of the Interior approved the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Charlie Potter et al. as Creek freedmen.

Respectfully,

Commissioner.

Gr. No. 681.

Muskogee, Indian Territory, November 23, 1906.

Charlie Potter,

Grayson, Indian Territory.

Dear Sir:

You are hereby advised that on November 14, 1906 (I.T.D. 15430-1906), the Secretary of the Interior approved the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of yourself and your six minor children Jimmie, Mammie, Argie, Lelah, Millie and William as Creek freedmen.

Respectfully,

Commissioner.



Ca. En. 681

Muskogee, Indian Territory, January 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

July 24, 1906, the Commissioner to the Five Civilized Tribes rendered a decision in the matter of the application of Charlie Potter, et al. for enrollment as freedmen of the Creek Nation, in which it was held that Charlie, Jimmie, Mamie, Argie, Lelah, Millie and William Potter are not entitled to enrollment as Creek freedmen, and their application for enrollment was accordingly denied.

July 26, 1906, this decision, together with a record of proceedings in the matter, was forwarded to the Department for its consideration through the Commissioner of Indian Affairs.

August 29, 1906, the Commissioner of Indian Affairs in reporting on said case, stated that -

"Mr. Bixby concludes under all the evidence and the decisions which bear on this case, that Charlie Potter and those claiming through him are not entitled to enrollment as freedmen of the Creek Nation. I agree with him in this conclusion, and therefore recommend that his decision be approved."

November 14, 1906 (I.T.D. 15430-1906), the Department addressed a letter to this office in which it was stated that, the Department concurring in the recommendations made by the Commis-

sioner of Indian Affairs and in my decision in the case, the same was affirmed.

January 12, 1907, there was filed with my office a "motion to reconsider" the decision in the matter of the application for the enrollment of Charlie Potter, et al., as Creek freedmen addressed to the Secretary of the Interior and signed by John G. Lieber, the attorney for the applicant. This motion shows evidence of having been served upon the attorney for the Creek Nation by registered mail on January 12, 1907.

In this motion Mr. Lieber states that it is not contended on the part of the Creek Nation that there is no testimony to support the applicant's contention, but that the Commissioner does not consider the evidence sufficient; that following the usual practice where questions of fact are involved, the Indian Office and the Department have given great weight to the facts as found by the Commissioner because he is supposed to have seen the witnesses and heard them testify, when as a matter of fact he never saw or heard any of the witnesses in this case; that the volume of work which he (the Commissioner) is required to do does not permit his hearing witnesses except in extraordinary cases; that while the taking of testimony in this case was concluded on November 30, 1904, decision was not rendered by the Commissioner until July 24, 1906,

and that the reason of the delay as he (Lieber) understands it, was because the Commissioner's office was undecided as to how the case should be determined. Mr. Lieber also states that a copy of the Commissioner's decision which was served upon him contains only the initials of A. F. McGarr, one of the law clerks in the office of the Commissioner, who, it is alleged, did not see or hear any of the witnesses in the case.

Apparently from this motion Mr. Lieber's only contention is that sufficient weight was not given to certain of the testimony submitted, and that the findings of fact as set forth in the decision of the Commissioner of July 24, 1906, which was approved by the Commissioner of Indian Affairs and the Department, was not warranted by a preponderance of the evidence submitted.

The decision of the Commissioner rendered in this case, as well as the record transmitted with said decision, shows that hearings were had therein on August 30, September 3 and 7, November 18 and 30, 1904, and March 22, 1905, and that on April 27, 1905, there was filed with the record a supplemental statement signed by the Commissioner.

The decision prepared in this case shows, I believe, conclusively that the case was given most careful consideration. There was to be sure some delay after the last proceedings were had herein before decision was rendered, but no more delay than occurs in

numerous other cases which is rendered necessary by the great volume of business which this office necessarily must transact in the preparation and consideration of decisions in enrollment cases.

Mr. Lieber infers from the fact that this decision is initialed by only one employee of this office that it only passed through his hands before it reached the Commissioner. This inference, however, is in error as it is distinctly within the memory of employees of this office and myself that this case took the regular course followed by enrollment cases from the Creek Division before reaching my hands, that is, the case was first considered and decision prepared in the Creek Enrollment Division, and it was then transmitted to the Chief Law Clerk who, in this particular case, had certain changes made in the decision, after which the decision, together with the record in the case, was transmitted to me for my consideration, and as shown by the record was signed by me on July 24, 1906, thus becoming a decision of this office.

As stated by Mr. Lieber, owing to the great volume of business transacted by this office, it is impossible for me personally to conduct all hearings had in enrollment and other cases. However, this matter is entrusted to competent employees of my office in the several divisions, and a complete record of the hearing is taken down by stenographers and transcribed for my consideration when rendering decisions in cases. This complete record is, together with the decision, transmitted to the Department, and if the appli-

cants have not made up a record which discloses the true facts in their case, it is no fault of this office, and should, when the applicants are represented by attorney, be attributed only to him. In this particular case numerous occasions were given the applicants to present any evidence within their possession to show their right to enrollment as freedmen of the Creek Nation; the testimony and evidence presented has been fully set forth and made a part of the record in the case; this record received the careful attention of this office before decision was rendered, and it is presumed that it received the same careful attention in the office of the Commissioner of Indian Affairs and the Department before the case was passed upon by them.

I am of the opinion that my decision of July 24, 1906, in this case, which was concurred in by the Commissioner of Indian Affairs, and approved by the Department, is correct, and I therefore recommend that the motion to reconsider filed in this case by Mr. Lieber be denied.

The motion is herewith transmitted for Departmental consideration.

Respectfully,

FEL-23-1

Commissioner.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, February 13, 1907.

173r

SP

I.T.D. 2738-1907  
LRS  
DINNOT

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On February 7, 1907 (Land 8249-07), the Indian Office transmitted your report dated January 23, 1907, in the matter of a motion to reconsider the decision in the matter of the application for the enrollment of Charlie Potter, et al., as Creek freedmen, which decision was rendered by you on July 24, 1906, and approved by the Department on November 14, 1906.

You consider your decision as approved by the Department is correct and recommend that the motion to reconsider be denied.

The Indian office concurs in your recommendation.

The Department finds no merit in this motion and in view of the provision of section 2 of the act of April 26, 1906 (34 Stat., 137), even if the motion presented a prima facie case for a rehearing, which it does not, the Department would not be warranted in ordering a ~~hearing~~ <sup>further</sup> hearing.

A copy of Indian Office letter is inclosed.

The papers in the matter and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos Ryan  
First Assistant Secretary

1 inc and 9 For Ind Of

Refer in reply to the following  
Land  
100442-1906  
8249-1907

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington. February 7, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of November 14, 1906 (I.T.D. 15430-1906), affirming the decision of the Commissioner to the Five Civilized Tribes denying the application of Charlie Potter, et al. for enrollment as Creek freedmen, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 23, 1907, enclosing a motion to reconsider Departmental decision in this matter, filed in the Commissioner's office January 12, 1907, and showing service on the attorney for the Creek Nation by registered mail on January 12, 1907.

The attorney for the applicant in this case argues that he should have a reconsideration of Departmental decision for the reason that this Office and the Department, following the usual practice where questions of fact are involved, has given great weight to the findings of fact, as found by the Commissioner, on the theory that he is supposed to have seen the witnesses and heard them testify, but that the Commissioner himself never saw or heard any of the witnesses in this case, that the volume of work which he is required to do does not permit his hearing witnesses except in extraordinary cases. He



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says that he dislikes to speak of the inner work of the Commissioner's office, but when it becomes necessary to meet the ends of justice, he feels that not only the Commissioner but this Office and the Department will excuse him for so doing.

He refers to the fact that the hearing of this case was concluded on November 30, 1904, but that a decision was not rendered until July 24, 1906, and that he understands the delay was from the fact that the Commissioner's office was undecided as to how the case should be determined; that the Commissioner's decision contains only the initials of F.A. McGar, one of the law clerks in the Chief Law Clerk's office of the Commissioner, and that Mr. McGar did not see or hear any of the witnesses in the case. This office and the Department are well aware of the fact that it is impossible for the Commissioner to personally sit in the hearing of all the cases in his office. However, the findings of fact and the decision signed by the Commissioner constitute the Commissioner's decision, and are entitled to the same consideration as if he had personally heard the witnesses and prepared the decision. There is no reason to believe that the delay in the decision was caused by any question as to how the case was to be decided.

The attorney closes his argument, with the admission that there may be some doubt as to the applicant's right to enrollment, but that it should be decided in his favor.

The record shows that on November 30, 1904, there had already been five hearings in this case, and that after that

date two hearings were had, one on March 22, 1905, and a supplemental statement was filed with the record on April 27, 1905 so that the hearing of the case was not terminated on November 30, 1904, and the record shows that it was not completed until April 25, 1905.

The record received careful consideration in this Office, when it was sent to the Department on August 29, 1906, There is nothing in the motion in the way of evidence or law that has not heretofore been fully considered. It is not believed that a rehearing is necessary to determine the rights of the applicant, and the Office respectfully concurs in the recommendation of the Commissioner to the Five Civilized Tribes that the motion for reconsideration be denied.

Very respectfully,

C.F. Larrabee  
Acting Commissioner

EWE SD

Gr. No. 681

CM

Muskogee, Indian Territory, March 5, 1907.

Charlie Potter,

Grayson, Indian Territory.

Dear Sir:

You are hereby advised that under date of February 13, 1907, the Secretary of the Interior denied the motion for rehearing filed in the matter of the application for the enrollment of yourself and others as Creek freedmen.

Respectfully,

Commissioner.

Gr. No. 661

CM

Muskogee, Indian Territory, March 5, 1907.

John G. Lieber,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of February 13, 1907, the Secretary of the Interior denied the motion for rehearing filed in the matter of the application for the enrollment of Charlie Potter et al. as Creek freedmen.

Respectfully,

Commissioner.

Cr.En.681.

Muskogee, Indian Territory, March 27, 1907.

Chief Clerk,

Allotment Contest Division.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on February 13, 1907, the Secretary of the Interior denied motion for rehearing in the matter of the application for the enrollment of Charley Potter et al., as Creek Freedmen.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR  
OFFICE OF  
SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES  
MUSKOGEE, OKLAHOMA.

THIS IS TO CERTIFY THAT I AM THE OFFICER HAVING CUSTODY OF THE  
RECORDS PERTAINING TO THE ENROLLMENT OF THE MEMBERS OF THE  
CHOCTAW, CHICKASAW, CHEROKEE, CREEK AND SEMINOLE TRIBES OF  
INDIANS, AND THE DISPOSITION OF THE LAND OF SAID TRIBES, AND THAT  
THE ABOVE AND FOREGOING IS A TRUE AND CORRECT COPY OF

*Creek Census Card*  
*No. 681*

GABE E. PARKER, Superintendent.

BY *Andrew Greenberg* CLERK

IN CHARGE

**CREEK**

RECORDS

DATE

**SEP 18 1915**

191

*W. M. C.*





7

GR 21 100

GR 134 683

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 30, 1904.

In the matter of the application of Daniel Manuel for the enrollment of his deceased father, William Manuel, as a Creek Freedman.

APPEARANCES: M. L. Mott Attorney for Creek Nation:

DANIEL MANUEL, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Daniel Manuel.  
Q How old are you? A About twenty-eight.  
Q What is your post office address? A Twine.  
Q Do you make application for the enrollment of your father, William Manuel, as a Creek Freedman? A Yes, sir.  
Q Is that his name? A It is William McGilbray on the Town Roll.  
Q What do you want him enrolled by? A William Manuel.  
Q Is your father, William Manuel, now living? A No, sir.  
Q When did he die? A 1900 September.  
Q Died in September, 1900? A Yes, sir.  
Q How many years ago would that be? A I guess about five years.  
Q You thin he died about five years ago? A Yes, sir, near as I can get at it.  
Q Was your father, William Manuel, a citizen of the Creek Nation?  
A Yes, sir.  
Q Are you a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears that Daniel Manuel is regularly enrolled as a Creek Freedman on Creek Freedman Card, Field No. 1879, and that his name is contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior, December 1, 1903.

- Q You say your father is a citizen of the Creek Nation? A Yes, sir.  
Q Who was Mack Manuel? A He was my brother.  
Q To what Indian Town do you claim that you and your deceased father belonged? A Canadian.

The 1895 Pay Roll of the Creek Nation, Canadian Town, examined and the name of William Manuel found thereon at No. 216.

- Q Was your father ever known by any other name than William Manuel?  
A Nothing but William McGilbray.

The 1890 Authenticated Creek Tribal Roll, Canadian Town, examined and the name, William McGilbra, found thereon at Page 64. The Dunn Roll examined and the name, William McGilbray, found thereon at No. 1347.

- Q You think you father, William Manuel, died about five years ago?  
A Yes, sir, near as I can get at it.

PARO BRUNER, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Paro Bruner.  
Q What is your age? A About eighty.  
Q What is your post office address? A Paro, I. T.

William Manuel---3.

Q What official position do you now hold in the Creek Nation? A Town King of Canadian Colored.

Q Do you know the applicant here, Daniel Manuel? A Yes, sir.

Q Did you know his father, William Manuel, during his life-time? A Yes, sir, he was a soldier man.

Q Do you know how many years ago William Manuel died? A Right then I lived a good ways from them and I didn't keep that right correct, but what he says is about the truth.

Q What Daniel swore to? A Yes, sir.

Q That is about five years ago? A Yes, sir.

-----10;-----

I, Dr. Nathan C. Skaggs, on oath state that the above and foregoing is a full, true and correct transcript of my stenographic notes as taken in said cause on said date.

Nathan C. Skaggs

Subscribed and sworn to before me this 23<sup>rd</sup> day of September, 1904.

W. F. Martin Jr.  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Omulgee, I. T., October 22, 1904.

En. 683.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of William Manuel, deceased, as a Creek Freedman.

PARO BRUNER, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Paro Bruner.
- Q You have testified in this case before have you? A Yes, sir, right before you. (Meaning Mr. Weavers, representative of the Commission)
- Q Do you know whether William Manuel was living or dead when the Creek Land Office opened? A He was living.
- Q Did you ever see him after the land office opened? A I lived a good ways----- yes, sir, I saw him. I was right with the Commission when I saw him.
- Q Did you see him after the Creek Land Office opened and people were filing? A That is 1900-----and 99. That is the year-----
- Q You know the Commission first went around and took a census of the people, I don't mean that time? A The census when it was taken that time you mean.
- Q No, I mean when the people began filing on their land? A You mean when the filing commenced.
- Q Yes, when the filing commenced? A I don't remember whether I seen him.
- Q Do you know whether he was living when the filing commenced? A Yes, sir, he was living then. I disremember whether I seen him but he was living.
- Q Do you know how long he had been dead when you heard of his death? A Well, Mr. Weavers, I aint keep that in my recollection. I would like to be positive. Never had made much mistake. Tom Manuel of Twine, I. T., would know about it.

-----;0;-----

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 24 day of Nov, 1904.

Charles H. Sawyer  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, February 23, 1906.

In the matter of the application for the enrollment of  
William Manuel, deceased, as a Creek freedman.

Appearances: Attorney for applicant W.A. Grosby (represented by his brother T.F. Grosby).  
Office of Creek attorney telephoned but no appearance was made by Mr. Nett.

GEORGE MCGILBRA, being duly sworn, testified as follows:

- Q What is your name? A George McGilbra.  
Q What is your age? A Sixty four.  
Q What is your post office address? A Taft.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q Have you received your deed to land in the Creek Nation? A Yes, sir.  
Q Do you know the applicant in this case, William Manuel? A Yes, sir.  
Q Any kin to you? A My youngest brother.  
Q How can a man named Manuel be a brother to a man named McGilbra?  
A The names are just different that's all.  
Q Did you have the same father he did? A Yes, sir.  
Q What name? A Manuel Smith. I will tell you how that was. McGilbra was a slave name and I didn't know the right name to go by until after the surrender. My right name should be George Manuel.  
Q Is this mans name either Manuel or McGilbra? His son applied for him and said his name -his right name- was Manuel and sometimes went by McGilbra.  
Q What was the name of your mother? A Penda.  
Q Are either of your parents living? A No, sir.  
Q Did he have the same mother you had? A Yes, sir.  
Q Full brother? A Yes, sir full brother.  
Q Do you know when the Creek land office opened? A I expect I do.  
Q How long have you been in this country? A Since 1866.  
Q How long have you lived at the place you are at now? A Since '69, not in the same house but two or three hundred yards from there.  
Q How many miles from Muskogee? A Called 12 miles by rail.  
Q How far by horseback? A Ten miles.  
Q Have you been in Muskogee often in the last ten years or so?  
A Yes, sir.  
Q Do you do your trading in Muskogee? A Yes, sir.  
Q Ten or fifteen years ago? A Yes, sir.  
Q Were you here the day the land office opened? A Yes, sir.  
Q Was it any different from any other day? A I don't understand that.  
Q Wasn't there a big crowd here? A Yes, sir there was a big crowd. I was here the first day it opened but I couldn't file. It was two weeks before I filed. Didn't file for myself then but for my children.  
Q Do you remember when that was that the Creek Land Office opened?  
A It was the first day of April. Whether it was Monday or Tuesday I don't remember.  
Q How long had your brother William been dead then? A About five years ago.  
Q How long had he been dead when the land office opened? A He was living.  
Q What makes you think he was living? A Well I seen him not very long ago.  
Q Did you see him that day? A Not that day.  
Q He wasn't here that day? A No, sir.  
Q Did you live close to William Manuel? A About five miles from him.



Q Did you often come to town with him? A Some times.  
Q Why didn't he come here that day? A Everybody didn't come in that day.  
Q Do you know of any other Creek freedman didn't come that day?  
A Yes, sir people right in my neighborhood didn't come.  
Q What makes you think he was living on that day? A He was living.  
Q How do you know? A I seen him.  
Q Who saw him? A I saw him myself.  
Q You didn't see him that day did you? A No, sir.  
Q How do you know he was living? A I know he was.  
Q Did you go right back home the next day after the land office opened? A No, sir.  
Q How long before you went back home? A I staid till about four the next day and tried to file .  
Q Did you see him when you went back home? A No, sir.  
Q When was the first time you saw him after that, a week or longer than that? A No, sir.  
Q What year is this? A 1906.  
Q What year was the land office opened? A I don't know. I am lost about that.  
Q How long after the land office opened before your brother William died? A Not very long.  
Q Was it the same year? A I couldn't tell you.  
Q Are you sure he was living when the land office opened? A He was living.  
Q How can you state positively he was living then, and when I ask you how long after that he died you cannot tell? No answer.  
Q Did you talk to him about the opening of the land office? A Yes  
Q What did you tell him? A I told him he had better choose his land.  
Q Did he ever come in and try to be enrolled? A I think he did.  
Q When? A Shortly after it opened; they enrolled some of them and turned some of them down. We had trouble  
Q How do you know he came? A He said so.  
Q Is that the only way you know? A Yes, sir.  
Q Did you come with him? A No, sir  
Q When did he tell you he came in? A He didn't date it to me.  
Q What time was it he told you? A During the time shortly after he had been from here.  
Q When was that? A About 1900.  
Q A whole year after the land office opened? A I suppose so.  
Q How far did you say you lived from him? A About four miles.  
Q You mean to say you only lived four miles from your brother and didn't do anything to have him enrolled and don't know positively whether he did a thing and you let him die without doing a thing?  
A Yes, sir.  
Q How do you explain that? A He came in himself and filed.  
Q How did he file? A They wouldn't let him file.  
Q Do you know why? A No, sir.  
Q Did you tell him that they let you file? A I didn't file then.  
Q He told you he came in to apply before you filed? A Yes, sir.  
Q Did you come in to file that first time and couldn't file? A Yes, sir. I came in and filed about two weeks after for the children but didn't file for myself /  
Q At the time you came in at the opening of the land office had he ever said anything to you about it before that--about making a claim for himself? A Yes, sir.  
Q How long before? A I don't know. He didn't try before the land office it was after the land office opened. I told him to make a selection and he made it.  
Q Where did he make it? A On Cloud Creek-built a house on it.  
Q That isn't filing? A No, sir.  
Q Did he ever come in here to file? A Yes, sir  
Q When? A After the filing commenced.  
Q You said he didn't do anything after the land office opened but before? A I don't know what I am saying if I said that. You are winding me up.



Q How do you know he was living that day you came down here at the opening of the land office? A He wasn't dead.

Q How do you know he wasn't? A He died right at my house. I went and hauled him home and I buried him.

Q Did he die the same year the land office opened, did he die before Christmas or after Christmas that same year? A September.

Q The same year the land office opened? A Yes, sir.

Q Are you sure of that? A Yes, sir.

Q How do you know he died in September? A Now you get me mixed up.

Q I am asking how you know? A Yes, sir I believe so. A neighbor named Mr. Howe was living near and he died.

Q Is he a citizen of the Creek Nation? A No, sir.

Q Citizen of any nation? A No, sir he married Jane Howard she was a citizen.

Q You are sure it was the same year the land office opened? A Yes.

Q How do you know it was the same year? A That's one thing makes me remember the death of Mr. Howe.

Q How does that help you? A That was the year he aimed to file for the old lady and he took sick and shortly after he took sick the old lady took sick too.

Q Did she die? A Yes, sir.

Q How long after? A About two or three weeks apart I reckon.

Q Are you sure that William Manuel died the same year that Jane Howard died? A I am not sure.

Q Didn't you state just a minute ago that that was the way you remembered the month and year your brother died was because a man named Howe died about the same time and that they died but a few weeks apart? A I am sure they died the same fall. You get me turned round.

Q Isn't it possible when you say William Manuel died in the fall in September that you are mistaken? A I am not mistaken.

Q Are you sure he didn't die in the early summer? A Yes, sir.

Q Are you sure he didn't die in the spring? A No, sir he didn't die in the spring.

Q Are you sure that your brother William died very near the same time that William Howe died? A Yes, sir.

Q And that is how you remember his death? A Yes, sir.

Q Which died first William Manuel or William Howe? A My brother first.

Q How long before? A Not a great while I don't suppose.

Q Was it as much as a week before? A Yes or longer I guess.

Q And William Howe died before his wife Jane? A Yes, sir.

Q How long before? A A couple of weeks. I don't think they were a month.

Q Are you sure of that? A I think I am sure.

Q You are sure William died as much as a week before his wife Jane died? A Yes, sir.

Q Are you sure that your brother William died as much as a week before Howe died? A Yes, sir.

Q Sure of that? A Yes, sir.

The records of this office show that Jane Howard died April 10, 1899.

Q Do you know Caesar A. Morrison? A Yes, sir.

Q Any kin to Jane Howard? A Yes, sir.

Q What kin? A Jane Howard's nephew.

Q The record in said case contains an affidavit executed by Caesar A. Morrison to the effect that she died April 10, 1899. Was she an old woman? A Yes, sir.

Q About how old? A Somewhere near 90 or a 100 or may be more. She came from Alabama.

Q And she died at least a week after her husband William? A Yes, sir.

Q And William died at least a week or two after your brother William Manuel? A Yes, sir.

By Atty.

Q To what town do you belong? A Paren Bruner's Canadian colored.

Q What relation are you to William Manuel or William McGillbra? A brother.

Q Did William Manuel have any children? A Yes, sir.

Q What were their names? A Daniel, Mack, Albert

Q Are their names Manuel or McGillbra? A Daniel went by Daniel Manuel or McGillbra, and Mack Manuel and Albert the same. Some times Albert goes by Gibson.

Q What faction in the Creek Nation did your brother belong to? A He told me he tried and they turned the McGillbra's down.

Q Do you know whether he belonged to the Snake party? A Yes, sir he was.

Q Do you know if he was opposed to the allotment of lands? A He was opposed to it.

Q Did he ever express himself about those questions? A Yes, sir.

Q What time of the year if you know did your brother William die?

A Early in the fall as near as I can remember.

Q Fall of what year? A 1900. I can't keep track of the years.

COMMISSIONER.

Q How do you know it was 1900? A It was about that as near as I can remember.

Q Do you know it was 1900? A I believe it was.

Q Are you familiar with dates? A No, sir.

Q Do you know what year the land office opened? A Not exactly.

Q Do you know what year was the year before the land office opened? A I don't know

Q Do you know what year was the year after the land office opened? A No, sir.

Q You don't know your brother William died in 1900? A No, sir.

Q You don't know that year 1900 at all do you? A No, sir.

Q Is there anyevent in 1900 makes you remember that year?

A As near as I can get at it is old man Howard.

Q Do you know when old man Howard died? A I believe he died the same year my brother did.

Q Are you sure of that? A Yes, sir.

Q And think your brother died before he did? A Yes, sir.

Q And he died before his wife Jane Howard died? A Yes, sir.

Q And that's how you remember the date of William Manuela death by the death of William Howard and Jane Howard which occurred after your brother's death? A Yes, sir.

Q The records show that Jane Howard died very close in the spring to the opening of the Creek land office and you have stated that William Manuel died in the fall. Isn't it a fact that your brother William died in the fall before the land office opened. A I don't remember that he died.

Q Do you remember that he didn't? A He hadn't died before the land office opened.

Q Are you sure he died in the fall? A Yes, sir

Q Are you sure he died as much as two weeks before Howard? A Yes

Q Are you sure that Howard died as much as two weeks before his wife? A Yes

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I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me  
this 26 day of February 1906.

J. M. McDermott  
Notary Public.

Cr. No. 683.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, November 3, 1906.

In the matter of the application for the enrollment  
of WILLIAM MANUEL, deceased, as a Creek freedman.

APPEARANCES:

JOHN G. LINBER appears for M. L. Mott,  
Attorney for the Creek Nation.

T. F. CROSBY appears as  
attorney for the applicant.

ALBERT GILSON, being first duly sworn by Henry  
G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Albert Gilson.  
Q How old are you? A 37 the 13th day of April.  
Q What is your postoffice address? A Gatesville, Indian Territory.  
Q Are you a citizen of the Creek Nation? A No sir.  
Q State man? A Yes sir.  
Q Are you the identical Albert Gilson who appeared before H. A. Coker, a Notary Public, and made affidavit in regard to the date of death of one William Manuel, a Creek freedman?  
A I made an affidavit up in Mr. Crosby's office before a gentleman but didn't know what his name was.  
Q This is your signature on the affidavit is it? A Yes sir.  
Q How long have you lived in the Indian Territory? A About fifteen years, going on sixteen.  
Q Were you acquainted with one William Manuel? A I was.  
Q How far did you live from him during his lifetime? A I lived about four miles from where he was ranging. He ranged with his brother, George McElberry-- he was kind of an Indian old fellow, kind of used a lot of Indian ways.  
Q Where did he live when you knew him? A He stayed down there in Creek County, had a little cabin, ranged about his place, mostly stayed with George his brother.  
Q Did he go by any other name than William Manuel? A We all called Uncle George, George McElberry, but we knewed about Manuel, we called all the Manuel outfit McElberrys.

William Manuel-----2

- Q Was William Manuel married? A He was
- Q Did he ever have any children? A Yes sir, he had some children, to my knowing.
- Q Do you know the names of any of them? A He had one by the name of Dan Manuel.
- Q Were you acquainted with Dan? A Yes sir, acquainted with Dan more so than I was the other.
- Q Is Dan living? A Yes sir, he is living.
- Q Did he have any other children? A Another boy by the name of Mack.
- Q Is Mack living? A I think he is; I think he is somewhere in the government service.
- Q Where does Dan live? A Dan was living in jail; he did at a time I think live down at Okeechobee.
- Q You dont know where he is now? A No sir, dont know where Dan is now; havent seen him since he got out of jail.
- Q You say you dont know where Mack is? A Somewhere in the government service.
- Q Is he a soldier? A I think he is working for the government.
- Q Did William have any other children besides those you mentioned? A No sir, not any that I know of.
- Q Near what place did William Manuel live when you knew him? A He stayed right over there by Black Jack, near Twine, in the field, near by Twine, where George stayed.
- Q Do you remember his death, remember the occurrence of his dying? A Yes sir.
- Q Were you present when he died? A No sir, heard of it.

BY MR. GROSSBY:

- Q How long were you acquainted with William Manuel, prior to his death, Albert? A Knew him about seven or eight years, not positive, in that neighborhood.
- Q Do you remember seeing him after the land office opened in Muskogee? A I remember the office opened up; lot of people come here and I did too, and I asked him if he was going to file; said he didnt know about it, said he didnt think it was time, kind of thought that it was with the government; he didnt calculate taking the allotment at that time, that it wasnt right, but he could see further.
- Q Do you remember when the land office opened? A Not exactly, sometime in 1899, I think.
- Q Did you see William Manuel more than once after the land office opened? A Saw him once more after that, right along near, pretty close afterward, might have been the same week, might have been the next week.
- Q You mean the next week after the land office opened? A When I got him in town.
- Q How long after the land office opened you saw him the first time? A When the land office first opened, up a crowd of us come over here; I came from around here and we were standing out by the Turner Hardware, while lot of the old fellows; I asked him was he here to file.
- Q Do you know what date William Manuel died? A No sir.
- Q Was it after or before the opening of the land office? A I



William Manuel-----3

saw him down here after the land office opened, he was down here, I saw him once more after that, it must have been the same week or the week after that.

BY MR. LEEBARD:

- Q Where was the land office located when you came down here that time to file? A Somewhere down in here; I wasn't filing, I stayed up there by the Turner Hardware; I never did visit the land office at all.
- Q You didn't come down here to the land office then that time did you? A No sir.
- Q You stayed over there to the Turner Hardware Company's?
- A Stayed all over town; Mr. Harsha's, that was my range.
- Q Why didn't you come over here to the land office? A I had no business over here, never interfered with the land office.
- Q You were here with all the people that came down here to file?
- A Yes sir. <sup>hearsay!</sup>
- Q You thought you would come too? A I didn't come just on that we people thought we would come down to Muskogee, the only big town worth anything, and we come down when some citizens come, or when it was a big time.
- Q You did your trading here at Muskogee during that time, didn't you? A Yes sir, and at Wagoner.
- Q Did William trade here too? A I don't know sir where he traded; sometimes didn't trade very much.
- Q Did he trade here in Muskogee? A I don't know sir.
- Q Did William leave any property when he died? A Not as I know of.
- Q Do you know whether any administrator was appointed for his estate? A I never kept up with the facts at all.
- Q Well now, people were coming down here to Muskogee to see about their filing sometime before the land office opened weren't they? A I don't know sir about that, didn't pay much attention to it.
- Q Did you see any people around the land office here when you came down here; you say William was here? A Was a lot of people in town; rumor in town that people were here making preparations to make their allotments.
- Q That wasn't the first day the land office opened that you was down here and saw William and talked to him? A Might not have been.
- Q Then how do you happen to remember that the time you came down here and talked with William was before the land office was opened about filing? A I always was around old man George and all the people around there and I read the paper, see the issues being issued, and they were down here at that time and several 1 of us come down and I had no interests in that unless I knew a man; would talk something along the line of his taking allotments, be a strange thing to us, to me.
- Q In those days it was a common thing for people to come here to Muskogee and trade, stand around on the street corners and talk, wasn't it? A The people in those days didn't come to Muskogee. Chances they did-- they didn't live as fast; I have lived in Muskogee, done business in Muskogee four or five months.
- Q The time that you talked with William about filing business, can you swear that that was after the land office opened?
- A Yes sir, the people were down here at that time and the land office were opened, that was my understanding.
- Q Well now, don't you know that before the land office opened here at Muskogee that the Commission was issuing certificates

to citizens who would come in and ask for them and see  
whether they were entitled to take allotments, don't you;  
and that that was done before the land office was ever opened?  
A I never paid any attention to that; people were down here,  
saying they were going to take their allotments. The government  
made provisions and I could not see they were getting along  
with it. I wanted to know something of it; I wasn't interested  
in it unless I knew a man.  
Q They were talking about allotments long before the land office  
ever opened were they not? A Oh yes sir.  
Q And you're a citizen of the United States? A No sir.  
Q And you remember the time that the Commission was enrolling  
people up here at the Court House in Muskogee? A Don't  
know, but where they were enrolling them at, but know it was  
the time the land office was opened up; and it in the papers,  
read about it at the time.  
Q You say you remember the time when the Commission was  
enrolling people up here in the United States Court House  
here in Muskogee? A I don't know sir.  
Q You don't remember anything about that? A I may not, maybe  
so, remember the time that you was up there contesting one  
another's rights, may have been Judge or something, they  
were mounting and mounting people up there trying to put  
out citizens, trying to put in citizens up there.  
Q That was when the United States Court was passing on citizenship  
cases, wasn't it? A I don't know. I never paid any attention; I  
knew the United States Court and investigation, never  
knew anything.  
Q Do you remember when the Commission was enrolling people  
out at Muskogee, what is now Lee's long time ago? A I  
never did visit Lee and make none of them places.  
Q I want to know when the rest were, only I took Muskogee  
and Reddick's where the people did not.  
Q You say you saw him a long time after the land office  
opened? A I think I saw him pretty close another time.  
Q Where? A Saw him at Uncle George's right on the road when I  
was going home, whether the day I was going home, the  
next day or week.  
Q You know whether the next day after you saw him in Muskogee,  
or the next week, you don't remember? A Pretty close to the  
time I saw him in Muskogee.  
Q Was a day after, or a week after you saw him in Muskogee?  
A I don't know.  
Q You saw him again after that? A No sir, not to my  
knowledge.  
Q Do you know if anybody that had filed before William died?  
A I don't know of any that were going in there and  
back were attempting to file, although I didn't pay any atten-  
tion to that; but I know the different ones that were down  
there.  
Q What was the name of the man who was the land office in at that time?  
A I don't know, I don't go to the land office.  
Q And you don't know anything about the  
enrollment of the people in Muskogee to tell these gentlemen  
the name of a man who was in, do you? A I  
don't know about that kind of a building it was in; I  
don't know that and I don't think it was in this  
building it is now.



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- Q Isnt it a fact why you say when the land office was opened when you spoke to William in Muskogee is that you remember that people were talking about filing on their lands; isnt that the reason? A No sir, I always read, took the papers, I knew when the office was opened and I come down here.
- Q Were you down here at Muskogee the day that the land office first opened? A I might not have been and I might have been, but anyhow I was, right along close to when it first opened.
- Q Gibson, is your memory so short that you cant even remember the kind of a building the land office was first opened in? A Never come around the land office.
- Q And still you mean to tell these people that you know William was living at the time the land office was opened? A Yes sir.
- Q Dont you know the news papers were talking about allotting lands here from the time the Dawes Commission first hit this country in 1893 until the land office really had opened? A Newspapers, of course they did. I said I thought I know it, I kept the issue; I knew by the papers by the time it was set that the land office was opened.
- Q You knew in 1898 that the first Curtis Bill was passed, that the lands were going to be allotted, didnt you? A Yes sir.
- Q And the newspapers were writing about it from that time until this day; aint that a fact? A Yes sir.
- Q You remember that particular occurrence, because you saw in the newspapers when they were writing about people taking their allotments? A I saw in the newspapers where citizens of the country were permitted to take their allotments and the Dawes Commission appointed down here and the time was set for it to open, and long about the first, long about that time I come down, dont know whether it was the first day or second day, long about the first; dont remember because I didnt take any notice; I didnt know they was going to call a question on it.
- Q You never attended William Manuel's funeral, did you? A No sir.
- Q Where was you living when he died? A Lived across the river on Dr. Bennet's place, where I am living now; been over there fifteen years.
- Q Do you know where William is buried, William Manuel? A No sir.
- Q You dont know anything about his death except that you heard he died? A Yes sir, Uncle George told me, his brother told me he was dead; never saw him any more at Uncle George's after the report got out; always there as regular as the old man washinself.
- Q William Manuel was a soldier, was he? A He might have been a soldier. I think Uncle George was a soldier; was some such talk; not positive whether he was or not.
- Q Do you know whether he ever drew a pension? A Dont know whether he did or not.

BY THE COMMISSIONER:

- Q Do you know what year the Creek Agreement was ratified? A I dont believe I remember.

- Q Dont remember the year? A No sir.
- Q Do you know when the last law was passed by Congress affecting the enrollment of children? A I remember that
- Q What year was it? A I didnt keep it in mind.
- Q Dont know whether it was this year or not? A Didnt keep it in mind.
- Q And still you have always read up matters affecting Greeks? A Matters affecting the country.
- Q Isnt it a fact that the only thing you ever read about was the opening of the land office at that time? A No sir.
- Q Why did you pay attention to it, not being a citizen yourself? A Except paying permits and things around, and except people coming in to take their allotment; I looked out for that end of it.
- Q What did you look after it for? A Just simply because they were going to come down and take allotment.
- Q You didnt have any, did you? A No sir.
- Q Any of your kinfolks? A No sir.
- Q Fact of the matter is these newspapers ever since the Dawes Commission was created in '93 up to the present time, down to this last year, when there was a law admitting new-born citizens, up to this date there have been laws, and the only occurrence that you remember is this particular one in '99? A I remember several things.
- Q Can you give any particular thing that happened? A I dont remember, cant remember just now.
- Q Cant you give the year in which anything affecting Greek citizens happened except just when the land office opened up in the spring of '99; cant you give the year anything else happened? A I just trying to study for the purpose of corroboration.
- Q Can you tell me anything that happened this year affecting Creek citizens, enrollment of Creek citizens? A Well the Constitutional Convention right now, only not affecting Creek citizens.
- Q That is nothing about the enrollment of the Greeks? A No sir.
- Q You dont remember anything this year affecting the enrollment of Greeks that you learned in the newspapers or in any other way? A I recollect this was when we was down there at Okmulgee, passed a law we go to work; the Secretary of the Interior wrote through the Muskogee Phoenix I believe that every man that was on a farm down there go to work after the first of March, so we went to work.
- Q What year was that? A I dont know, sometime along when they passed that law; I was suffering under it.
- Q Did you ever know a man by the name of Howard? A Ed Howard?
- Q William Howard? A I dont know what his name was. I went over to old man William Howard's and got some cattle for Dr. Bennett some ten or twelve years ago.
- Q Do you know when he died? A Dont know just when he died; had no business with him.
- Q Dont know anything about the year of his death? A No he sent to the penitentiary.

William Manuel-----7

- Q Have you ever been in the penitentiary? A No sir.
- Q Ever been indicted for any offense and convicted? A No sir.
- Q Not even for a jail offense? A No sir.
- Q Do you know whether this William Howard you know died before or after William Manuel? A My judgment-- I never saw him after.
- Q I say, do you know which one died first, the William Howard you know or William Manuel? A My own judgment-- I heard William Howard was dead, but then it happened I never knew exactly.
- Q Do you know the name of the father of William Howard? A No sir, I don't.
- Q Where did the William Howard live that you know? A William Howard's place where Ray Bennett sent me was right southeast of where I am now about a mile and a half.
- Q How many miles from where you live? A About about four or five miles.
- Q I believe you stated you lived about four or five miles from William Manuel's, did you not? A I don't figure exactly, makes me exactly two miles and a half from where George lived, then it is a mile and a half southeast of where I live George is, where the doctor sent me.
- Q I asked you how many miles you lived from William Manuel, just state that? A Two miles and a half or three, way we go now.
- Q Do you know when William Howard died? A No sir, heard he was dead.
- Q I believe you stated that he died before William Manuel? A No sir, I don't know when he died.
- Q Well, did he die before William Manuel or after? A I don't know when he died.
- Q Do you know when Frank Howard, wife of William Howard died? A No sir, had no acquaintance with Howard then.
- Q Are you related to William Manuel, sir? A Not to my knowing.
- Q Are you related to any of his children? A Not to my knowing.
- Q How did you come to make this affidavit in regard to the death of William Manuel? A Simply I saw him down here in Vietnam.
- Q Who asked you to make that affidavit? A Nobody didn't ask me; I just simply heard them talking, they were talking up there.
- Q Who was talking about it? A Different ones; I believe I made George's.
- Q George Benishewsky? A Yes sir.
- Q Is he a relative of William Manuel? A Yes sir.
- Q How related? A Brothers.
- Q He asked you to make this affidavit did he? A No sir.
- Q How did you come to make this affidavit? A I was asked; I and him was talking and I understood that because he was down here the same time.
- Q Who asked you to make this affidavit? A I went before Mr. Greshy to make this affidavit.
- Q Who requested you to make this affidavit and make this affidavit? A Nobody, I was simply there and the question came up and I knew about the question then, Mr. Greshy asked me if I knew, I told him.
- Q Was George Benishewsky not with you to make it? A No sir.
- Q Did Mr. Greshy suggest that you make it? A No sir, Mr. Greshy did suggest that I was to write he heard me and him talking, that statement in regard to the time that William Manuel died, was that statement based on oral statement I that was made to you by George Benishewsky? A No sir, just to my personal knowledge.

William Manuel-----8

- Q Did he refresh your memory in any way before you made this affidavit? A No sir, the time that we all met down here, asked me what time was that; I told him it was sometime just about the time the land office opened up; I remember that just simply because I was down here; Mr. Turner and Doc Bennett and all of them always told us times would be good when the country opened up, time United States citizens could have a home made as anybody else.
- Q Do you think it would be possible that the date of death of William Manuel was at the time they were issuing these certificates, or the time the people were coming before the Commission to be enrolled, and not the day of the opening of the Creek land office? A To my honest knowledge I know that it was the opening of the Creek land office for citizens to come and take their allotments.
- Q You married? A Yes sir.
- Q How long you been married? A About seventeen or eighteen years.
- Q Do you remember the year that you married? A I would have to count.
- Q Have you any children? A Yes sir.
- Q How many? A Four six.
- Q Three living? A Yes sir.
- Q What year was your first child born? A I would have to go and ask old lady I guess, or go and look at the record.
- Q How old is your youngest child? A My youngest child he eight months old the third of this month; it was born this year in March, the third.
- Q March the 3rd? A Yes sir, March the 3rd.
- Q When was your second child born, next to the oldest? How old is the next to the oldest child? A My oldest child is ten years old the 10th day of this coming August, and the second child will be nine years old along about the 15th of March.
- Q 15th of March? A Yes sir, 15th of March; that is the second child.
- Q How old is your third child? A My third child two boys.
- Q Twins? A Yes sir.
- Q How old are your two twins? A They were five years old the 15th, I think, 17th or 18th of March, satisfied they were five years old in March.
- Q Were they born after the opening of the land office or before? A Before the opening of the land office. You mean those two?
- Q Those twins? A Born after the opening of the land office.
- Q After the opening of the land office? A Born five years ago.
- Q How long after the opening of the land office were those twins born? A I couldnt just very well figure up that, two or three years I think.
- Q Two or three years after you say? Would not be positive.
- Q Would not be positive, you say? A I think about two years.
- Q About two years after the opening of the land office? A But I dont know.
- Q Do you remember anyone else in your neighborhood who died just before the death of William Manuel? A I couldnt just well remember.
- Q Why is it that you remember so well the , about the date of death of William Manuel, and you dont remember about the date of the death of other people living in that neighborhood who died about the same time? A Old man Howard went there

William Manuel ----- 9

- When I went over there after that stuff, I never seen old man Howard in my life. When Dr. Bennett sent me after that stuff he was in the penitentiary; there was a woman there; I heard he come back from the penitentiary.
- Q You dont know when William Howard died? A I heard he was dead. I dont know anything about it.
- Q Do you know when you heard William Howard was dead? A Sometime along in the same year that I heard William Manuel died.
- Q Did you have any children born after your second child and before your twins were born; born after your second child? A Twins were born next to the second child.
- Q You didnt have any born in between them that are now dead? A No sir. I got these.
- Q Do you know how long William Manuel has been a resident or was a resident of the Greek Nation? A Always was to my knowledge, taken him for a citizen, an old time citizen to my knowledge.
- Q Have you ever heard him called anything else than William Manuel? A Called him William McIlberry, heard few called William and George McIlberry, and heard he carried the name of Manuel.
- Q Why did you call him McIlberry? A Seems like they had two names; some part of the people call him McIlberry and some call him Manuel.
- Q What was the name of the father of this William Manuel about when you have been testifying? A I dont know sir; he was dead a long time before I come there.
- Q You never heard his name? A Might have heard his name, cant remember at this time.
- Q Know the name of his mother? A No sir.
- Q You never heard it? A Might have heard it; I cant remember about names.
- Q Did you ever hear of a person by the name of Green McIlberry? His family of them McIlberrys. I think that the two old ones and the old man George was very prosperous in them days, stood very high; this old man William McIlberry always visited him-- old man had, he had the ways of an Indian and never---
- Q I asked you if you know her? A Know lots of the McIlberrys, but she is not his wife, she is Tom McIlberry's wife. I dont know.
- Q I didnt say anything about wife or anything; I asked if you knew Green; your answer is that you dont, is it? A Yes sir.
- Q You know anybody by the name of York McIlberry? A They call him York Jackson.
- Q Who is he? A He is a citizen.
- Q Is he living? A No sir, dead.
- Q Is he a my kin to William in this case? A Yes sir, I think so.
- Q What kin? A Dont remember what kin.
- Q How do you know he is my kin then? A Think they were him; they claimed kin or so way.
- Q Who claimed it? A York Jackson & call him, went by the name of York McIlberry, and Maule George and his brother.
- Q Name some other people now-- I have given you the names of these people? A Tom Manuel, Sam Manuel and Phyllis Manuel and Elvina and Rachel, she's dead, and then I knowed a fellow



William Manuel-----10

by the name of Man Manuel.

Q What kin were they to any of these people? A First cousins, lived right around in one place, one neighborhood.

Q But you never heard the name of the father or mother of this William Manuel? A If I heard it, I don't recollect just now.

Q Do you know, or do you not know, whether this William Manuel or William McIlberry ever drew any money from the Creek Nation, you yourself know that? Now I am asking you what you know now? A Not positively know; never did draw any to my knowledge. They were drawing \$14.40 out to Okmulgee since I been there, but for me personally to see him with my own eyes I have never saw it.

Q Do you know whether William Manuel or McIlberry drew any money? A I heard no kick from them as far as I heard from some that hadn't got their money; some of their relations had got it; I heard no kick from these people of that kind.

Q I asked you whether he drew any money or not; I didn't ask you if he didn't draw it? A No sir, I don't know whether he did or not.

Q And you say you knew him for about fifteen years before he died? A (Shakes his head meaning yes).

EX MR. CROWEY:

Q Albert, what relation was George McIlberry and William Manuel? A Said to be brothers to my knowledge.

Q Did you ever hear them claim that relationship? A Yes sir.

Q Why is the opening of the land office in Muskogee, why is that particular time fixed in your memory; how come you to remember that time? A Opening of the land office when the people was there-- why time people-- Dr. Bennett, Turner, all told 'em that sometime they could buy land here and get land just the same as a citizen, and I was in favor of the issue if it ever did come, because I liked the country, liked to stay here, felt an interest; if I could get a home here be better satisfied.

Q Was it a matter of common knowledge that some citizens had already filed on their land when you met William Manuel? A Ence over there right by me he, I think, was making arrangements to file.

Q Had you heard anybody outside the Creek citizens talking about the opening of the Creek land office? A Numerous over; was pretty hard living along before then, we worked hard, and liked the country all right; thought it was a good country, we would like to see a change; read the papers, what made me read the papers.

Q You are not a citizen of the Creek Nation yourself? A No.

Q Any of your children? A No sir.

Q Have you ever had any occasion to keep track of the different agreements and treaties of the Creek Nation? A None whatever; just come down; as to be interested in their Creek business have to put myself to a great deal of trouble to keep up with the business.

Q As to allotment of lands, did you look forward to that? A No sir, didn't look forward to that.

Q I mean, did you expect conditions to change when the land office opened? A I was told things would change

William Manuel-----11

- made me-- of course, to give my opinion, I was in favor of it, yes sir.
- Q Wasn't that a very important event in the Creek Nation, more so than a usual every-day occurrence? A Oh, yes sir, I took an active part in it.
- Q You are positive you saw William Manuel at different times after the land office opened, and citizens began filing on land? A I saw him in Muskogee once after, don't remember seeing him any more.
- Q You don't know what day he died? A I saw him here the same week, or the next week, or anyhow I saw him along about that time, last place I saw him at Uncle George's aft r I saw him here.
- Q How came you to be a witness in this case, Gilson? A Just simply-- I wasn't expecting to be a witness in this case at all, simply I knew Uncle George and knew him, and I thought they were here, and I thought all the time he got his land, didn't think any question would ever rise that he didn't have his land, simply thought he got it.
- Q Have you any personal interest in the enrollment of William Manuel? A No sir, nothing to me.
- Q You have stated in substance all you know about the case, have you? A Yes sir, just about all I know.

WITNESS EXAMINED.

Statement of Mr. Ursohy.

I have just been over to the United States Court House and examined the records, and find that on or about May the 20th, 1906, Judge William H. Ringer, U. S. Judge of the Northern District, Indian Territory, furnished letters of guardianship to one George McIlberry, for Mackey McIlberry, minor heir of William McIlberry, deceased. Bond was filed and approved, and letters of guardianship issued.

Ursah Moore, being first duly sworn, stated that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on November 5, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

Subscribed and sworn to before me November 5, 1906.

*W. D. McIlberry*  
Notary Public.



DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
MUSKOGEE INDIAN TERRITORY  
NOVEMBER 18, 1906.

Cr. En. 688

APPEARANCES: JOHN G. LIEBER, acting for M. L. Mott,  
attorney for Creek Nation.

In the matter of the enrollment of William Manuel, deceased,  
as a Creek Freedman.

GEORGE MCGILBRA, being first duly sworn by Henry G. Mains,  
a Notary Public, testified as follows:

By Commissioner:

- Q: What is your name? A: George McGilbra.  
Q: How old are you? A: 65.  
Q: What is your post-office address? A: Taft.  
Q: You are a Creek Freedman are you? A: Yes sir.  
Q: Do you know anybody by the name of William Manuel?  
A: Yes sir.  
Q: Was he ever known as William McGilbra? A: Yes sir.  
Q: Any kin to you? A: Brothers.  
Q: He was your brother? A: Yes sir.  
Q: Full brothers? A: Yes sir.  
Q: Same father and mother? A: Yes sir.  
Q: Is he living? A: No sir.  
Q: When did he die? A: The year before the filing, on the  
14th of April.  
Q: How do you know that? A: That girl of mine has got it  
down.  
Q: At home? A: Yes sir, at home, I can bring it down some-  
time if you want it.  
Q: You have testified before in this case, have you?  
A: Yes sir.

Questions by John G. Lieber, acting attorney for Creek  
Nation.

- Q: Uncle George did your brother William have a boy named  
Manny? A: Yes sir.

- Q: Maxey McGillbra? A: Yes sir.  
Q: Was anybody appointed guardian for Maxey? A: Yes sir.  
Q: Who was? A: I was.  
Q: By whom? A: The Court here at Muskogee.  
Q: Were you appointed guardian for Maxey before or after William died? A: After he died.  
Q: How long after he died? A: I really do not know, I don't remember now, it has been sometime ago.  
Q: Was your brother William a pensioner? A: Yes sir.  
Q: Drew a pension from the Government? A: Yes sir.  
Q: One of the reasons why you were appointed guardian of his son Maxey was because he had a pension coming to him, was it not? A: Yes sir.

The Attorney for Creek Nation, desires to offer in evidence a certified copy of Petition for the appointment of Guardian of Maxey McGillbra, a son of William McGillbra, which petition is signed by the witness, George McGillbra and is filed in the office of the United States Court for the Northern District of Indian Territory at Muskogee, on the 10th. day of May, 1898.

Said paper is made a part of the record in this case.

- Q: Were William McGillbra and William Manuel, about whom you are testifying in this case, one and the same person, Uncle George? A: Yes sir, the same person.

Questions by Commissioner:

- Q: Now George when you testified here on February 23, 1906 you were asked this question:  
Q: Were you here the day the Land Office opened? You said, Yes sir.  
Then you described it as a big day and that you didn't file just that day, that you filed later ----do you remember when that was that the Land Office opened?  
A: It was the first part of April.  
Q: How long had your brother William been dead then?  
A: About 8 years ago.  
Q: How long had he been dead when the Land Office opened?  
A: He was living."

What did you mean by that testimony?

- A: Will you allow me to explain and tell the truth about it? Now sir, I went to that Lawyers office and I asked him what the witnesses swore to and he told me what they swore to and he told me I had to follow the way the other witnesses went and I beg to be excused, I don't know any more about it.  
Q: You were asked this question--"How long after the Land Office opened before your brother William died? You said, "Not very long".  
You were asked if you had talked to him about the opening of the Land Office and you said "Yes".  
You were asked, what did you tell him? A: I told him he had better check his land.

- Q1 You were asked "when"? A1 Shortly after it opened, they enrolled some of them and turned some of them down.  
 Q1 How do you know he came? A1 He said so.  
 Q1 How did he file? A1 They wouldn't let him file.  
 Q1 Do you know why? A1 No sir.  
 Now how are you going to explain that? A1 I don't told you a while ago.  
 Q1 Was that a mistake in your testimony? A1 Yes sir.  
 Q1 It wasn't true was it? A1 No sir, it was a mistake.  
 I went back to look at the book at home and I found it was right.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q1 Uncle George when you testified in this case before and gave the testimony which has just been read to you by the Commissioner, at that time did you know that the testimony was not true? A1 Not exactly, I was only going by what that man said.  
 Q1 When do you mean, by "that man"? What was that man's name? A1 He was the lawyer.  
 Q1 The lawyer in this case? A1 Yes sir.  
 Q1 Just tell the Commissioner as nearly as you can what the lawyer told you, what he said you had to testify to in this case at that time? A1 Just what I told you, what is on there, that is what he told me to testify.  
 (Witness refers to former testimony)  
 Q1 Didn't you know at that time it wasn't true?  
 A1 No sir, I didn't know it until after I went back home and examined the books and I found it was wrong.  
 Q1 Did you ever tell the lawyer about the book, after that?  
 A1 No sir, I didn't go to him any more after that, after hurting me I didn't want him any more. He told me that is the way Dan went and I had to go that way.  
 Q1 Did he tell you, you had to go that way or should go that way? A1 Yes sir, the way they went, he told me to go that way. I have it on the book at home and can bring it.  
 Q1 Didn't you see that on the book when you testified here before? A1 I hadn't seen that.

Questions by Commissioner:

- Q1 You were asked a question about the death of William Howard and his wife Jane Howard, the fact that you were asked those questions wouldn't that have refresh your mind that when you testified to the opening of the land office, that it wasn't correct? (No answer.)  
 Q1 Your brother William died before this William Howard, didn't he? A1 I think he did, he died the year before the filing commenced, on the 14th. of April before.

Questions by J. G. Lieber, acting attorney for Creek Nation.

- Q1 When you testified before, didn't you know Uncle George that your brother William had died before the land office had opened? A1 No sir, not exactly. I was jumped on unexpectedly you know and I didn't have no time to think.

Questions by Commissioner:

- Q: Who is Daniel Manuel? A: William's son.  
 Q: If Daniel testified that William died after the Land Office opened, he said something that was not true, didn't he?  
 A: Yes sir.  
 Q: Where is Dan now? A: He is in jail--No, I don't believe he is in jail--he is out I believe, I don't know where he is to tell the truth.

The Creek Nation now here rests this case, except for rebuttal.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me in said cause on said date.

Julia C. Laval.

Subscribed and sworn to before  
 me this 16 day of November, 1906.

Edward Morris.  
 Notary Public

Gr. No. 688.

I.B.N.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
of William Manuel, deceased, as a Creek Freedman.

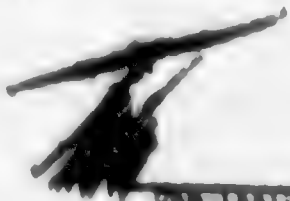
DECISION.

The record in this case shows that on August 30, 1904, Daniel Manuel appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of his father, William Manuel, deceased, as a Creek freedman. September 3, 1904, an affidavit was filed with this office in the matter of the death of said William Manuel. Further proceedings were had October 29, 1904, February 12 and February 23, 1906.

The evidence herein is contradictory and for the most part indefinite. August 30, 1904, Daniel Manuel testified, in reply to the question "You think he (William) died about 8 years ago", "Yes Sir, near as I can get at it", though in the affidavit, filed later, he fixes such date as "on or about the 15th day of September, 1900". The testimony of witnesses Pare Bruner and Mary Manuel is indefinite and of no weight. The testimony of George McElhara conclusively establishes the date of death of said William Manuel as two weeks, or more, prior to the death of William Howard, which occurred at least a week before the death of Jane Howard, wife of William Howard.

The records in possession of this office show that Jane Howard, deceased, died April 10, 1900, and this fact taken in connection with the testimony of George McElhara, establishes the date of death of William Manuel, deceased, as prior to April 1, 1900.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said William Manuel, deceased, as a Creek freedman and the application for his enrollment as such is accordingly denied.

  
COMMISSIONER.

Muskogee, Indian Territory.

SEP 28 1900

DEPARTMENT OF THE INTERIOR  
COMMISSIONER OF THE GREEK NATIENS,  
TAFT, I.T., FEB. 8, 1907.

No. 683.

In the matter of the application of the enrollment of William Mannuel, deceased, as a citizen of the Greek Nation.

Adlee Mannuel, being first duly sworn, by Geo. K. Davidson, a Notary Public, testified as follows:

BY THE COMMISSIONER:

- Q. Please state your name, age and Post Office address? A. My name is Adlee Mannuel or Kelly and age 27, Post Office Address, Taft, I.T.  
Q. Are you a citizen of the Greek Nation? A. Yes sir.  
Q. Are you on the Dunn Roll? A. Yes sir.  
Q. What is your father's name? A. George Mannuel.  
Q. Do you know William Mannuel? A. Yes sir.  
Q. Is he a relative of yours? A. Yes sir.  
Q. What relation is he to you? A. Uncle.  
Q. Do you know when he died? A. He died on the 14th of April, 1898.  
Q. Have you this record in a book? A. Yes sir. I dated it here the same day he died.

Copied from Record.

"Scripture Memoranda."

"William Mc Gilbra died on the 14th of April, 1898."

- Q. Well do you know as a positive fact that that date you have there is correct? A. Yes sir it is correct. I dated it the same day he died.  
Q. And you have kept the record ever since? A. Yes sir.  
Q. Is William Mannuel and William Mc Gilbra the same person? A. Yes sir, it is the same person.

I, Geo. K. Davidson, being first duly sworn, state that the above is and foregoing is a true and correct transcript of my stenographic notes as taken in said case on said date.

*Geo. K. Davidson*

Subscribed and sworn to before me this 18th day of February, 1907.

*Notary Public.*



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
BOYNTON, I.T., FEB. 7, 1907.

No. 683.

In the matter of the application of the enrollment of William Mannuel, deceased, as a citizen of the Creek Nation.

Kenderson Monday, being first duly sworn by Geo. K. Davidson, a Notary Public, testified as follows:

BY THE COMMISSIONER:

- Q. What is your name? A. Kenderson Monday.  
Q. What is your Post Office address? A. Boynton, I.T.  
Q. How old are you? A. 31.  
Q. Are you a citizen of the Creek Nation? A. Yes sir.  
Q. What is your father's name? A. Mannuel Monday.  
Q. Were you acquainted with William Mannuel or William Mc Gilbra? A. Yes sir.  
Q. Is William Mannuel and William Mc Gilbra the same person? A. Yes sir.  
Q. Is he a relative of yours? A. Yes sir.  
Q. What relation is he to you? A. He is supposed to be my Uncle- what we might call a Grand Uncle. He is my mother's uncle.  
Q. Do you know when William Mannuel died- I mean what year it was in? A. As far as I can remember about it, he died in 1898. Of course I might be mistaken.  
Q. Do you know what month it was in? A. No I don't.  
Q. Is there anything that happened about that time that you can remember that you can fix the date by? A. No. The only thing I am going by is the year I got married. I married in 1898 and about two months after I was married he was over there at my place.  
Q. Did he die the same year you were married? A. Yes sir.  
Q. Did you get your marriage license at Muskogee? A. No.  
Q. Where did you get them? A. When I married they didn't require any license.  
Q. Do you know William Howard? A. Yes sir.  
Q. What year did he die in? A. He died in 1899, it seems like to me. I was living right down there in the neighborhood and there was a lot of things happened down there that I didn't pay any attention to, but the nearest I can remember, old man Howard and Aunt Jane Howard died in the same year. Aunt Jane died first and shortly after she died, he died.  
Q. Do you know what year the land office opened in Muskogee? A. Yes sir, in 1899.  
Q. Did William Mannuel die before the land office opened in Muskogee? A. Yes sir, I believe he did.  
Q. You said a few minutes ago that you married in 1898? A. Yes sir.  
Q. Who married you all? A. Mannuel Hawkins.  
Q. Is he living? A. Yes sir.  
Q. Where does he live? A. Up at Gencharty.  
Q. Do you think he kept a record of the marriage? A. Well sir, I don't know-he might have. The most of these preachers is just after the money.

Geo. K. Davidson, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes as taken in said case on said date.

*Geo. K. Davidson*

Subscribed and sworn to before me  
this 12th day of February, 1907.

*Geo. K. Davidson*  
Notary Public.



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE VIRGIN ISLANDS TRUST,  
BOYNTON, I.T., MARCH, 1907.

EX. 888.

In the matter of the application of the enrolment of William Manuel deceased, as a citizen of the Virgin Islands.

Disaffirmation, being first duly sworn by Geo. K. Davidson, a Notary Public, certified as follows:

BY THE COMMISSIONERS:

Q. What is your name? A. Wiley Franklin.  
Q. What is your post office address? Boynton, I.T.  
Q. How old are you? A. About 45.  
Q. Are you a citizen of the French Nation? A. Yes sir.  
Q. To what town do you belong? A. Frenchtown.  
Q. Did you know William Manuel or William de Althoff? A. Yes sir.  
Q. Is William Manuel and William de Althoff the same person? A. That is what I take it to be. He went by two names.  
Q. Do you know when William Manuel died? A. No I don't know what year he died in.  
Q. Did he die before the land office opened? A. Yes he died before the land office opened.  
Q. Have you any way by which you can remember positively that he died before the land office opened? A. Yes, because I know the man died that found him so sick.  
Q. What is that man's name that you just spoke of? A. Franklin Green.  
Q. Was he a citizen? A. No, he was not a citizen.  
Q. Who died first, William Manuel or Franklin Green? A. William Manuel.  
Q. Do you know which of them Green had a doctor attending him just before he died or while he was sick? A. Just before he died I believe, when Doctor Sims was there for he got there too late.  
Q. Doctor Sims attended on him? A. Yes sir.  
Q. Are you sure that William Manuel died before Franklin Green? A. Yes.  
Q. Did you know William Howard and Jane Howard? A. Yes I know them.  
Q. Do you know what year they died? A. No I don't know.  
Q. Do you know whether they died before the land office opened in Frenchtown or not? A. No, I am not certain.  
Q. Do you know whether William Manuel died before Jane Howard and William Howard? A. No but I know William died before the land office opened.  
Q. What William are you speaking of? A. William de Althoff. His name is William Manuel but he always called him William de Althoff.  
Q. Do you know in what year the land office opened in Frenchtown? A. No sir, I don't remember the exact year.

Geo. K. Davidson, Notary Public duly sworn, states that the above and foregoing is a true and correct transcript of his proceedings and is taken in said case on said date.

Subscribed and sworn to before me this 15th day of February, 1907.

Notary Public.

Dr. No. 683.

Waskagee, Indian Territory, July 2, 1906.

Daniel Manuel,

Twine, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your father, William Manuel, deceased, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Register.  
IM-133.

Commissioner.

Cr. No. 683.

Muskogee, Indian Territory, July 2, 1906.

W. A. Crosby,

Attorney for Daniel Manuel,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of William Manuel, deceased, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

IM-133.

Gr.En.683.

Muskogee, Indian Territory, July 2, 1906.

M. L. Mett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of William Manuel, deceased, as a Creek Freedman.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

LM-134.

Commissioner.

Gr. Am. 406.

Madame, Indian Territory, July 5, 1906.

The Honorable,  
The Secretary of the Interior.

SIR:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of William Manuel, deceased, as a Creek Freedman, including the decision of the Commissioner, dated June 20, 1906.

Respectfully,

WM-188.

Commissioner.

Through the  
Commissioner of Indian Affairs.

30619

85:37

Department of the Interior

July 24 1906

Respectfully referred to the  
Commissioner to the Five Civil-  
ized Tribes for consideration  
and appropriate action

James E. Wilson  
Assistant Secretary

GHS

Thos. F. Crosby,  
ATTORNEY & COUNSELLOR AT LAW.

Civil and Probate Law A  
Specialty.

In Re. Creek En. Case No. 6082

Muskogee, Oklahoma, 7/18th, 1906.

The Honorable, Secretary of Interior,  
Washington, D. C.

Dear Sir :-

Some few days ago I wrote you in regard to the enrollment case of William Manuel, Creek Freedman, NO. 608.

I herewith hand you an affidavit in this case on the point of his being alive on April 1st, 1890. Now it will be no trouble whatever to establish this fact, and I would have done so before if the Law Clerk of this Department had intimated that he desired any further information on this subject.

Yours truly.

Thos. F. Crosby



In regard to the enrollment of William Manuel as a Creek  
Freedman

Case No. 688  
United States of America  
Indian Territory  
Western District

118

Personally appeared before me H.A. Ocker a notary  
public in and for the aforesaid Territory and District,  
Albert Gibson and made oath that he was personally acquainted  
with William Manuel, a Creek Freedman, for about ten years  
prior to his death in the year 1899. And that he knows of  
his own personal knowledge that said William Manuel was  
living for quite a time after the Dawes Commission opened the  
Land Office for the Creek Nation in Muskogee, I.T. Affiant  
states that he does not know the exact date of Manuel's  
death, because he was living in another neighborhood, but  
that he saw William Manuel and talked to him at different  
times after the Creek citizens began filing on their allot-  
ments.

Affiant states that he could not be as positive in  
this matter if it were not for the notorious fact that  
Indian citizens were filing on their lands at the time and  
that it was a common topic of conversation everywhere.

Affiant distinctly remembers talking to William  
Manuel in regard to his filing, and Manuel said that he  
regarded the allotment of Tribal land as wrong and that he  
has plenty of time anyway, as the land office would be open  
for a long time.

Witnesses H.A. Ocker

T.F. Greedy

Subscribed and sworn to before me this 14th day of July 1906

Albert Gibson

Affiant

H A Ocker

Notary Public

My commission expires June 22, 1910

Sual

Cr. No. 684.

Muskogee, Indian Territory, July 31, 1906.

The Commissioner  
of Indian Affairs.

Dear Sir:

Receipt is acknowledged of communication under date of July 17, 1906 (Lmd 57576-1906), from G. F. Larrabee, Acting Commissioner of Indian Affairs, inclosing letter dated July 5, 1906 from W. A. Cronby, of Muskogee, Indian Territory, relative to the enrollment of William Manuel as a Creek freedman. Mr. Cronby states that notwithstanding that he offered additional evidence to prove that William Manuel was living on April 1, 1899, he was notified that additional evidence along that line was not required; that he has received notice that application for enrollment was disapproved.

It is stated that said case has not reached the office of the Commissioner and said letter is

referred to this office for consideration in connection with the submission of the case to the Department.

In reply I have the honor to advise that it appears from the records of this office that on July 8, 1906, a letter was addressed to the Secretary of the Interior, through the Commissioner of Indian Affairs, transmitting the record of proceedings had in the matter of the application for the enrollment of William Manuel, deceased, as a Creek freedman, including the decision of the Commissioner to the Five Civilized Tribes, dated June 28, 1906.

Mr. Crosby states in said letter under date of July 8, 1906 that "the ground for refusing to enroll him (William Manuel) is that there was not sufficient evidence to the fact of his being alive on April 1, 1899"; that he told the clerk when the last testimony was taken in the case that if he thought it necessary two other witnesses could be produced who would testify to the fact that William Manuel was living on that date and that said clerk stated that the only evidence that was desired was to have Dan Manuel recalled; that he wrote this office in the latter part of June and asked what action had been taken and stated that if further evidence

-5-

was required that he could produce it.

The statement of Mr. Crosby as to the grounds for refusing said application does not accord with the facts in the case. The decision in said case shows that the ground for refusal was that the weight of evidence showed the date of death of William Manuel as prior to April 1, 1900.

The records of this office do not show that it was desired by said applicant or his attorney to introduce further evidence in the case subsequent to February 28, 1900, the date of the last proceedings therein. June 29, 1900, a letter was received at this office from Thomas F. Crosby inquiring as to the status of the case of William Manuel, deceased, in which it was stated "should you desire additional evidence, I will endeavor to find it at once." Receipt was acknowledged of said letter on July 9, 1900 and Mr. Crosby was advised that said application was pending and that "when final action is had therein the parties in interest will be duly notified".

The weight of evidence in the case conclusively showing the date of death of William Manuel as prior to April 1, 1900, further evidence was not required in the

-4-

matter and a decision was rendered in said case.

Said communication from W. A. Crosby is  
returned herewith.

Respectfully,

Commissioner.

31-1

Thos. F. Crosby  
Attorney & Counselor at law

Civil and Probate Law A  
Specialty.

Creek Enrollment Case No. 683.

Muskogee, Oklahoma 7/8 1906

Department of the Interior, Indian Bureau,  
Washington, D.C.

Gentlemen:

I have just been advised by the Commissioner to the Five Civilized Tribes that they had decided to disapprove of the Enrollment of William Manuel, Creek Freedman Enrollment No. 683. I notice by a copy of their decision that the grounds for refusing to enroll him is that there was not sufficient evidence to the fact of his being alive on April 1st 1899. I am very much surprised at the action of the Clerk who took the testimony. I told him when he took the last testimony in the case, that if he thought it necessary, I had two other witnesses who would testify to the fact that he was alive on that day. He told me that the only evidence he now desired was to have Dan Manuel recalled. I told him that Dan Manuel was in the U.S. Jail here in Muskogee and that he could get him any time. I have repeatedly asked the Clerk for a decision and at last wrote to the Commissioner the latter part of June and asked what action they had taken and if they desired any further evidence in the case and if so that I could produce it. Then without giving me a chance to do anything, he decided adversely and mailed me a copy of his decision and disapproved it on the very grounds that I had told him I had further evidence on.

I would respectfully ask that I be allowed to file these affidavits with you, or have the additional testimony taken by the Commissioner, before you decide this case.

I would be glad to have you advise me at once whether or not I will be allowed to do this

Yours truly,

W.A. Crosby

Per T.F.C.

Refer in reply to the following

GAY

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS

Land  
87376-1906

WASHINGTON, July 17, 1906.

The Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

There is enclosed letter of the 5th instant from W.A. Crosby, of Muskogee, relative to the enrollment of William Manuel as a Creek freedman. Mr. Crosby says that notwithstanding that he offered additional evidence to prove that William Manuel was alive on April 1, 1899, he was notified that additional evidence along that line was not required.

He is now in receipt of a notice that the application for enrollment was disapproved.

The case has not reached this Office and the letter is accordingly referred to you for consideration in connection with your submission of the case to the Department.

Very respectfully,

C.F. Larrabee  
Acting Commissioner

REN Y



Muskogee, Indian Territory, August 2, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of July 30, 1906, transmitted to this office for consideration and appropriate action, a communication from Thos. F. Crosby, of Muskogee, Indian Territory, inclosing affidavit for filing with the record in the matter of the application for the enrollment of William Manuel, deceased, as a Creek freedman.

I have the honor to advise that it appears from the records of this office that on July 2, 1906, a letter was addressed to the Department, through the Commissioner of Indian Affairs, transmitting the record of proceedings had in the Creek enrollment case of William Manuel, deceased, including the decision of the Commissioner to the Five Civilized Tribes, dated June 26, 1906.

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Said communication from Thos. F. Greedy and  
inclosed affidavit are returned herewith for the consid-  
eration of the Department in connection with the original  
record in the case.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Commissioner.

AG-1

INDEXED

RECORDED TO FILE	
No.	33207

Crosby, T. F.  
Muskogee, I.T.,  
Aug. 4, 1906.

States he will produce  
further testimony in  
Creek Enrollment case of  
William Manuel.

CREEK ENROLLMENT

**Thea P. Crosby,**  
ATTORNEY & COUNSELLOR AT LAW.

Civil and Probate Law A  
Specialty.

*Muskogee, Oklahoma, Aug. 4th, 1906.*

Commissioner to the Five Tribes,  
Creek Enrollment Division,

Muskogee, I. T.

Dear Sir :-

I am advised by the Indian Bureau that Creek Enrollment case No. 683 of William Manuel has been referred to you for further consideration.

I am ready almost anytime to produce further evidence in this case.

Advise me when to do so.

Yours truly.

*T. P. Crosby*

Cr. En. 683

Muskogee, Indian Territory, August 30, 1906.

Alex. Peasey,

Clerk in charge Creek field party.

Ada, Indian Territory.

Dear Sir:

There is transmitted herewith copy of Departmental letter under date of August 18, 1906, together with copy of record on file in this office in the matter of the application for the enrollment of William Manuel, deceased, as a Creek freedman.

You will note that the record in this matter, together with the decision of the Commissioner under date of June 28, 1906 denying said application, was returned by the Department in order that additional testimony might be taken to determine definitely the date of death of said applicant.

You are hereby directed to secure the testimony of persons who were acquainted with said William Manuel and who lived in the same neighborhood during his lifetime, as to the exact date of death. It is especially requested that you secure the testimony of Tom Manuel of Twine, Indian Territory and witnesses living on Cloud Creek, not only to

A.P.-2

determine the date of death of William Manuel but also the date of death of William Howard. It is also desired that you take testimony with a view of determining whether or not William Manuel, alias William McGilbra, was identical with William McGilbra whose name appears on page 66 of the Constitution and Laws of the Creek Nation.

You are further directed to select some town situated near to the places of residence of the persons you desire to have testify, so that such witnesses may appear at a certain fixed time and a hearing be had after due notice of said hearing has been given to the applicant and his attorney.

Upon receipt of advice from you as to the time and place of said hearing, letters will be prepared at this office notifying the applicant and his attorney.

Respectfully,

Acting Commissioner.

1-inclosure.

G.R.

DEPARTMENT OF THE INTERIOR, ILS

I.T.D.13914-1906.

August 18, 1906.

L.A.S.

Commissioner to the Five Civilized Tribes,  
Muskegee, Indian Territory.

Sir:

July 2, 1906, you transmitted the record in the matter of the application of Daniel Manuel for the enrollment of his deceased father, William Manuel, alias William McGilbra, as a Creek freedman, including your decision of June 28, 1906, holding that the evidence adduced establishes the date of death of William Manuel, alias William McGilbra, deceased, as prior to April 1, 1899.

You base your decision upon the testimony of one George McGilbra, who claims to be a full brother to William Manuel, alias William McGilbra, deceased, who testified that his brother, William Manuel, alias William McGilbra, died about two weeks before the death of one William Heward, who died two weeks before the death of the latter's wife, Jane Heward, whom the records of your office show died April 10, 1899, and which would indicate, if true, that William Manuel died in the month of March, 1899, from which statement you draw the conclusion that William Manuel died prior to April 1, 1899.



The same witness, George McGilbra, upon whose testimony you base your decision, testified positively that he was present on the opening day of the Creek Land Office, and that his brother, William Manuel was living at that time; that his brother died "not very long" after the land office opened, at his house, and that witness "went and hauled him home" and buried him.

All the witnesses agree that William Manuel died in the month of September. Daniel Manuel, son of the deceased, and Pare Bruner, town king, of Canadian, colored, Creek Nation, testified that William Manuel died "about five years ago", which would indicate the date of his death to be September, 1899, yet Daniel Manuel fixes the date of death as September, 1900.

It is impossible to determine, with any degree of certainty, whether William Manuel died prior or subsequent to April 1, 1899. The record is returned to you for the purpose of taking additional testimony to determine definitely the date of death of William Manuel, deceased. You are requested to secure the testimony of Tom Manuel, of Twine, Ind.T., and witnesses living on Cloud Creek, in the vicinity of the place of death of William Manuel, alias William McGilbra, to determine not only the date of death of William Manuel but also the date of death of William Howard as well.

You are further requested to take testimony with a view to determine whether William Manuel, alias William McGilbra, now deceased, was identical with William McGilbra whose name appears at number 32 in the second column of names of persons declared to be full citizens of the Muskogee or Creek Nation as members, on page 65 of the Constitution and Laws of the Muskogee Nation, edition of 1890.

You are requested to notify applicant and his attorney Thomas F. Crosby, Esq, of Muskogee, Ind. T., of the time fixed for further hearing in the matter.

Respectfully,

Jesse E. Wilson.

Through the Commissioner  
of Indian Affairs.

Assistant Secretary.

1 inclosure

Cr. En. 683 CBL

2/4/07 JH

I do not think a  
decision is necessary,  
as subsequent  
testimony established  
facts are in  
former decision.

Cr. En. 683

2/23/07.

I think the  
findings of fact  
are correct.

CH.

C. E. 683

Muskogee, Indian Territory, February 14, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

August 18, 1906 (I.T.D.13914-1906), the Department remanded the record in the matter of the application of Daniel Manuel for the enrollment of his deceased father, William Manuel, alias William McGilbra, together with the decision of this office dated June 28, 1906, denying said application and directed that additional testimony be taken therein "to determine definitely the date of death of William Manuel, deceased" and "to determine whether William Manuel, alias William McGilbra, now deceased, was identical with William McGilbra, whose name appears at number 32 in the second column of names, of persons declared to be full citizens of the Muskogee or Creek Nation, as members on page 65 of the constitution and laws of the Muskogee Nation, edition of 1890."

In accordance therewith, testimony was taken in this matter on November 3 and November 15, 1906, and February 6, February 7 and February 8, 1907.

From the weight of the evidence introduced on said dates,

-2-

it clearly appears that the said William Manuel, alias William McGilbra, died prior to April 1, 1899.

The entire record in this case is transmitted herewith and it is recommended that the original decision of this office, under date of June 28, 1906, be affirmed.

Respectfully,

Through the Commissioner  
of Indian Affairs.

Commissioner.

HK-1.

Cr.En. 683.

Muskogee, Indian Territory, March 13, 1907.

W. A. Crosby,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of William Mamuel, deceased, as a Creek Freedman.

Respectfully,

Commissioner.

LM

Cr.En.685.

Muskogee, Indian Territory, March 13, 1907.

Daniel Manuel,

Twine, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your deceased father, William Manuel, as a Creek Freedman.

Respectfully,

Commissioner.

LM.



DEPARTMENT OF THE INTERIOR

JP.  
DJK

WASHINGTON.

I.T.D. 5940, 6130, 7256, 7262, 7282-1907  
7298, 7310, 7324, 7334, 7342, 7386,  
7396, 7398, 7400, 7402, 7408, 7416,  
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7462, 7488, 7492, 7506, 7588, 7638,  
7670, 7702, 7704, 7718, 7720, 7756-1907.

MARCH 4, 1907.

IRS. Direct.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases  
adverse to the applicants are hereby affirmed. Copies of Indian  
Office letters submitting your reports and recommending that the  
decisions be affirmed are inclosed.

Title of Case.

Date of your  
letter of transmittal.

Annie Davis, et al., (freedmen)	February 5, 1907
Martha Nenika Davidson,	February 9, 1907
William Perryman,	February 18, 1907
Isreal Nicco,	February 16, 1907
Kissie, (deceased),	February 16, 1907
Mary Perryman (deceased)	February 16, 1907
James Larnoy (deceased)	February 20, 1907
Genetta and Idabell Rentie, (freedmen)	February 20, 1907
Snake,	February 20, 1907
James F. Pendleton, deceased,	February 21, 1907
Lilly Valentine et al., (freedmen)	February 20, 1907
Frank Jackson, (deceased) (freedman)	February 19, 1907
Rose Blanton, (freedman)	February 20, 1907
Lela Love, (freedman)	February 18, 1907
Dora Lee and Samanna G. Castle (Freedman)	February 19, 1907
James Deere et al.,	February 2, 1907
Charley Kernell,	February 2, 1907
Millard Smith (freedman)	February 18, 1907
Lila Jefferson (freedman)	February 16, 1907
Bertha Anderson (freedman)	February 16, 1907
Katie Smith, deceased (freedman)	February 2, 1907
Lucy Grayson, deceased,	February 23, 1907
Rullison Haynie	February 23, 1907
Leah Thompson, deceased,	February 23, 1907
Hellie Graham (freedman)	February 20, 1907
Milechee (or Hellie Ned,)	February 23, 1907
William Bennett, (freedman)	February 19, 1907
George V. Bird, deceased,	February 2, 1907

Joseph M. Wheeler Coachman, deceased,	February 20, 1907.
Charles Galen Dymond,	February 21, 1907.
William and Lisa Parker,	February 23, 1907.
Richard Hawkins, (Freedman)	February 25, 1907.
Wiley Steele, deceased,	February 25, 1907.
Jennie Richards, deceased, (Freedman)	February 25, 1907.
<u>William Manuel, alias Wm. McIlbra, (Freedman)</u>	February 14, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian office.

Respectfully,

H.A. Hitchcock,

Secretary.

38 inc. and 70  
Ind. of. with  
copy hereof.

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON.

Land  
20947-1907.

March 2, 1907.

(COPY)

The Honorable,

The Secretary of the Interior

Sir:

Referring to Departmental letter of August 18, 1906  
( I.T.D.13914-1906) remanding the record in the matter of the  
application of Daniel Manuel for the enrollment of his deceased  
father, William Manuel, alias McGilbra, as a Creek freedman,  
I have the honor to transmit herewith a communication from  
Commissioner Bixby , dated February 14, 1907, together with  
the original record and the testimony taken on the rehearing,  
in which he recommends that the original decision of June 28,  
1906, be affirmed.

It appears from the weight of the evidence taken on the  
re-hearing that William Manuel, alias William McGilbra died  
prior to April 1, 1899. The office concurs in the recommendation  
of the Commissioner that the original decision be affirmed.

Very respectfully,

C.F.Larrabee,

Acting Commissioner.

EWR-SD

CR EN 684

TRAN TO NF401

CR EN 684

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MURKOGEE, I.T. AUGUST 22, 1904.

In the matter of the application for the enrollment of Carl Davis as a Creek freedman.

William C. Davis being duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Willie C. Davis.
- Q How old are you? A I don't know my age just exactly.
- Q About? A I guess about 40.
- Q What is your post office address? A Lee, I.T.
- Q Do you make application for the enrollment of Carl Davis as a Creek freedman? A Yes sir.
- Q Are you the father of Carl Davis? A Yes sir.
- Q What is the name of his mother? A Mary Davis.
- Q Is she living or dead? A She's living.
- Q Is she here? A No sir, she's home confined with a young one.
- Q I notice here an affidavit that was made about the birth of this child it was made by you instead of her; why wasn't that made by her? A She wasn't able to go out to the Notary Public and I made it.
- Q Is Carl Davis living? A Yes sir.
- Q What is the reason you haven't made application for this child before? A Just slothfulness is all; just neglected it.
- Q When was Carl Davis born? A He was born the 12th of December in 1900.
- Q Have you a child named Dewitt? A Yes sir.
- Q When was that child born? A I don't remember his age just exactly now; I don't remember just exactly when he was born.
- Q Why is it you remember the exact date of the birth of Carl and don't remember the date of the birth of Dewitt? A Sometimes persons generally forget the older ones.
- Q Have you a child named Herbert? A Yes sir.
- Q When was he born? A I don't remember just exactly.
- Q Do you remember the year that Dewitt was born in? A I don't remember.
- Q Have you a daughter named Izella? A Yes sir, I believe so.
- Q Well, don't you know? A Well, she's a lady claimed to be mine.
- Q Did you file for that child? A I think the mother filed for it.
- Q Does Izella live with you? A No sir.
- Q Do you know about the time that Izella was filed for? A I don't remember.
- Q I am not asking you about the date; do you remember at the time the mother came and filed for it? A I remember.
- Q You remember that she came? A Yes sir.
- Q You knew when she came? You knew it at the time? A Not at the exact time when she did file; I remember that she wrote a letter that she was going to file, and that it was all right.
- Q Did she file soon after that for that child? A I think she did.
- Q Was this child, Carl, living when she filed for Izella? WAS he born yet? A That's a question you are asking I really don't know; don't remember just exactly when she filed.
- Q Was Carl born when you got that letter you say you got from her? A I don't remember.
- Q How old is Carl? A Carl if I am not mistaken, as near as I can get it, if I haven't got it wrong, I think he ought to be about three or four years old.
- Q Well, can't you tell nearer than that; which is he, three or four? A I think he is about three if I am not mistaken.

Q Well, can't you tell nearer than that; which is he, three or four?  
A I think he is about three if I am not mistaken.  
Q You know the nature of an oath do you? A I think I do-- of course, I might--  
Q You know the penalty attached for false swearing? A If I would make a mistake in putting that date down; I think he is three; I might have given it wrong to the Notary Public; I think he is three years old.  
Q Do you think he is less than three or more than three? A I think he is about three; as near as I can remember it.  
Q Are you certain as to the month in which he was born; are you sure of the month? A Why, it is in the winter time; I think it was in December.  
Q You can read and write? A Yes sir; I can read a little; not very much.  
Q You can write your name and all such as that? A Yes sir.  
Q Did you write down anywhere- make any record of the date of the birth of this child? A D d I? At home?  
Q Yes. A I don't remember; yes I believe I did; but I see where I made a mistake in putting his number down when the child was born.  
Q Now when do you say he was born? A I think Carl is three years old as near as I can remember.  
Q Well, this is not winter; you say he was born in winter; do you mean he will be three years old next winter or last winter? A Well, you are asking me a question now I don't know.  
Q Did you tell the notary Public the date to put in this affidavit?  
A Yes sir I told him but I guess I made a mistake in telling him.  
Q Well, what mistake was it; if you was mistaken then, what is the correct age? A He ought to be in 1901, as near as I can remember; there's where I made the mistake I think I think I made a mistake in telling him 1900.  
Q Are you satisfied now that you made a mistake and that he was born in 1901? A I think he was born in 1900.  
Q Well, you just now said you made a mistake in saying 1900. A It ought to be in 1901; I think I made a mistake in putting it 1900.  
Q Are you satisfied you made a mistake? A I think I did; I see that I made a mistake.  
Q Well, was it in 1900 or 1901? A It was 1901 as near as I can recollect.  
Q Was this child born in 1900 or 1901? A Well, now; I think he ought to be about three years old.  
Q Do you mean three years old next winter or three years old last winter? This is summer; you say he was born in winter and it couldn't be three years old now if he was born in winter; will it be three years old next winter or was it three years old last winter? A I don't know.  
Q How much older is Dewitt than Carl? A As near as I can recollect I think he ought to be about a year older.  
Q Well, now, according to your best judgment, was this child born in 1900 or 1901? A I don't think he was born in 1900.  
Q Well, was he born after 1900? A Yes sir; I think he was born after 1900; I know he was born after 1900 and I made a mistake in this affidavit.

Examination by Mr. Vott:

Q Have you got any other children enrolled? A Yes sir.  
Q How many? A There's Cliff and Rosie and Herbert and Dewitt.  
Q Who enrolled them? Who made application for them here? A I think I brought them; I think I was the one filed for them-- or my wife.  
Q When did you file for them? A I remember when I filed for some of them.  
Q When was the last time you filed for any of them? A Well, Dewitt, and

Freddy, that's my step-son, I filed for them.  
Q When was the last time you came and filed for anybody? A I think it was last Fall if I am not mistaken.  
Q Why didn't you file for this child then? A Which one?  
Q The one you are making application for now. A I just neglected it; that's all; I didn't select all at the same time.  
Q Have you come here and made application for anybody since that child was born, Carl? A No sir, they was all on the roll.  
Q When did you enroll yourself? A I think when they first enrolled up there on Cane Creek; I don't remember just exactly when they opened up.  
Q Have you made application for anybody since 1900? A Since 1900?  
Q Yes, since this child was born; have you come here and asked for your child or anybody else to be enrolled since this child was born? A I don't remember that; I remember the filing.  
Q When did you file then for anybody? A I filed for Dewitt and Freddy.  
Q Do you know what making application means? What are you doing now?  
A Trying to have his name enrolled.  
Q Well, have you been here for anybody before since this child was born? A Here at this office?  
Q Anywhere. Did you try to get anybody enrolled before this child was born? A I don't remember that.  
Q Is your wife a Creek citizen? A Yes sir; she claims to be.  
Q Is she on the rolls as a Creek citizen? A I think she is; on old man Paro Bruner's town.  
Q How is it you cannot tell the births of any of your other children and you can this one? A I am not positive about the others, but I remember when he was born in the winter but now I believe I made a mistake in filing that affidavit; I believe it was born in December, 1901; that's as near as I can get at it.  
Q Why haven't you come here before and tried to file this child?  
A I have been here before but I never have made any application.  
Q Why haven't you made application before this? A I didn't understand the nature of it till here of late and I spoke to some of the officers and they told me how to go after it.  
Q Why haven't you tried to file it before? A I was here once and asked questions.  
Q Why didn't you try to file it then? A I asked him and one of the Commissioners said I couldn't file for him.  
Q Who said that? A One of the Commissioners; I think I said he was born in 1900 and he said "you are not entitled to file".  
Q Who was that man? A I don't remember; it was when the office was down below.  
Q How come you didn't go to the right place before? A Well, I went in there and I asked who is the proper man to enroll; then I come to this gentleman.  
Q When was that? A This last week.  
Q You never tried till last week to have it filed? A Only down stairs.  
Q When was you down stairs? A I think it was-- if I am not mistaken-- I think it was last summer; when they was down there; I asked the question about this child and they said this is not entitled to enroll and then I tried to find if he was entitled to enrollment.  
Q Well, it is a fact that as soon as you possibly could, you filed the others, didn't you? A I didn't underst and you.  
Q You say that about every question asked you; you filed these others just as soon as you could, didn't you-- just as soon as the land office opened? A No, not all of them.  
Q When was the land office opened? A I don't know.  
Q You enrolled them as soon as you could? A I enrolled them all as soon as-- I and my wife,  
Q Didn't you know the sooner you enrolled them, the better your opportunity to get land for them? A I suppose so.



Q Well, didn't you know that the sooner you filed them the better opportunity you had to get good land for them? A I didn't know that exactly, if they would allow a person.

Q Didn't you know you would have a better selection, the sooner you got in? A I suppose.

Q You got in with the others as soon as you could? A No sir, I delayed; I didn't get the land I wanted; I had them enrolled- I or my wife.

By the Commission:

Q When you first went to the Commission and asked the Commission about this child, the first time down stairs, did you then tell them when the child was born? A I think I told them.

Q I am not asking you to give me the date you told them; did you give them the date of the child's birth? A My wife did.

Q She was present and told them the date the child was born? I don't remember what date she told them.

Q Did she give them the date? I am not asking you to tell the date she told; did she tell them a certain date? A I think she did.

Q Did the Commission tell you then that the child was born too late?

A Yes sir, I think he did that.

Jennie Charles being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Jennie Charles.

Q How old are you? A Thirty one.

Q What is your post office address? A Lee.

Q Do you know Willie C. Davis and his wife Mary? A I do.

Q Do you know a child of theirs named Carl? A Yes sir.

Q You know the nature of an oath, do you? A Yes sir.

Q You know the penalty that's attached to false swearing? A Yes sir.

Q Do you know a child of Willie Davis and Mary Davis named Carl?

A Yes sir.

Q How old is that child? A He will be three years old the 12th of this coming December.

Q Are you positive of that? A Yes sir.

Sallie Manuel being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Sallie Manuel.

Q How old are you? A My folks calls me about 40.

Q What is your post office address? A Lee.

Q Do you know Willie C. Davis and his wife, Mary? A Yes sir.

Q Do you know a child of theirs named Carl? A Yes sir.

Q How old is that child? A Its about three years old I guess.

Q Is he less than three or more than three? A Well, as far as I can remember, it will be three years old the 12th of this coming December.

Q Three years old the 12th of this coming December? A Yes sir.

Q That's your best judgment, is it? A Yes sir.

Q You were present when the child was born, were you? A Yes sir, I waited on it.

An affidavit heretofore filed relative to the birth of Earl Davis is made part of the record herein.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 26 day of September, 1904.

*H. M. ...*  
Notary Public

*S. D.*

No. 684.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Carl Davis as a Creek Freedman.

-: D E C I S I O N :-

The record in this case shows that on August 22, 1904,  
Willie C. Davis appeared before the Commission at Muskogee, Indian  
Territory, and made application for the enrollment of his minor  
child Carl Davis, as a Creek Freedman.

The evidence shows that said Carl Davis was born subsequent  
to May 25, 1901.

It is, therefore, the opinion of the Commission that there  
is no authority of law for the enrollment of said Carl Davis as a  
Creek Freedman and that the application for his enrollment as such  
should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory.

JNC

P. A.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-00000-

In the matter of the application for the enrollment of  
Carl Davis as a Creek Freedman.

-: D E C I S I O N :-

The record in this case shows that on August 22, 1904, Willie C. Davis appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his minor child, Carl Davis, as a Creek Freedman; that on January 5, 1905, the Commission denied said application for the reason that it appeared from the evidence submitted that said Carl Davis was born subsequent to May 25, 1901; that on April 8, 1905 (I.T.D. 816-1905), the Department remanded the case for readjudication, in accordance with the following provisions of the Act of Congress March 3, 1905 (Public No. 212).

"That the Commission to the Five Civilized Tribes is authorized for sixty days after the date of the approval of this act to receive and consider applications for enrollment of children born subsequent to May twenty-five, nineteen hundred and one, and prior to March fourth, nineteen hundred and five, and living on said latter date, to citizens of the Creek tribe of Indians whose enrollment has been approved by the Secretary of the Interior prior to the date of the approval of this act; and to enroll and make allotments to such children."

The record further shows that on March 27, 1905, the affidavit of Mary Davis, relative to the birth of said Carl Davis, was filed with the Commission at Muskogee, Indian Territory, which said affidavit is considered in connection with the former application in this case.

The evidence shows that said Carl Davis was born December 12, 1901, and that he was living March 4, 1905.

The evidence further shows that said Carl Davis is the minor child of Willie Davis and Mary Davis, and an examination of the records of the Commission shows that the names of said Willie and Mary Davis are contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, Roll Numbers 1698 and 1699, respectively.

D. A.

-2-

It is, therefore, the opinion of the Commission that said Carl Davis should be enrolled as a Creek Freedman in accordance with the provisions of the act of Congress March 3, 1905 (Public No. 212), and it is so ordered,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

\_\_\_\_\_  
Chairman.

\_\_\_\_\_  
Commissioner.

\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,  
JUN 14 1905

\_\_\_\_\_

IN RE 1226

Application for Enrollment of

INFANT CHILD

Carl David

as a citizen of

Creek

Nation

Approved

190

Commissioner.

See Enrollment  
Case # 684

# DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the

Nation,

of \_\_\_\_\_, born on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
(Here insert name of child.)

Name of Father: \_\_\_\_\_ a citizen of the \_\_\_\_\_ Nation.

Name of Mother: \_\_\_\_\_ a citizen of the \_\_\_\_\_ Nation.

Postoffice \_\_\_\_\_

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }

DISTRICT }

I, \_\_\_\_\_, on oath state that I am \_\_\_\_\_ years of age and a citizen by \_\_\_\_\_ of the \_\_\_\_\_ Nation; that I am the lawful wife of \_\_\_\_\_, who is a citizen, by \_\_\_\_\_ of the \_\_\_\_\_ Nation; that a \_\_\_\_\_ child was born to me on \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_; that said child has been named \_\_\_\_\_, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.) }

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_.

Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }

DISTRICT }

I, \_\_\_\_\_, a \_\_\_\_\_, on oath state that I attended on Mrs. \_\_\_\_\_, wife of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_; that there was born to her on said date a \_\_\_\_\_ child; that said child is now living and is said to have been named \_\_\_\_\_.

WITNESSES TO MARK:

(Must be Two Witnesses.) }

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_.

Notary Public.



Creek No 484

Muskogee, Indian Territory, January 17, 1905.

Willie O. Davis,

Lee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Carl Davis, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

JYA-17-71.

7/25/17  
Creek En 684

Muskogee, Indian Territory, January 17, 1906.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Carl Davis as a Creek Freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYM-17-72.

Creek An 684

Kuskagee, Indian Territory, January 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Jarl Davis as a Creek Freedman, including the decision of the Commission, dated January 5, 1906.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

JTK-17-73.

I .P. 010-1000 .

VOY. LLS. 1000.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, April 8, 1908.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On January 17, 1908, you transmitted the record in the matter of the application for the enrollment of Carl Davis as a Creek Freedman, including your decision of January 8, 1908, rejecting the applicant.

You rejected the applicant for the reason that it appeared that said applicant was born subsequent to May 25, 1901.

Reporting January 24, 1908, the Indian Office recommends that your decision be approved.

The act of Congress approved March 3, 1908, provides:

"That the Commission to the Five Civilized Tribes is authorized for sixty days after the date of the approval of this act to receive and consider applications for enrollments of children born subsequent to May twenty-five, nineteen hundred and one, and prior to March fourth, nineteen hundred and five, and living on said latter date, to citizens of the Creek Nation tribe of Indians whose enrollment has been approved by the Secretary of the Interior prior to the date of the approval of this act; and to enroll and make allotments to such children."

Under this provision it would seem that if the parents of the applicant have been enrolled as Creek freedmen the applicant would be entitled to enrollment. The case is therefore recommended in order that it may be readjudicated in accordance with said provision.

Respectfully,

(Signed) Theo. Ryan,

Acting Secretary.

2 Inclosures.

Refer in reply to the following:  
Land: 5244-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS.

WASHINGTON, January 24, 1905.

The Honorable,  
The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 17, 1905, transmitting the record of the application, made August 22, 1904, for the enrollment as a Creek Freedman by William G. Davis for his minor child, Carl Davis.

January 8, 1905, the Commission decided adversely to the applicant.

The record shows that Carl Davis was born subsequent to May 25, 1901.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

O.F. Larrabee,

Acting Commissioner.

M.M.M.  
V.

CR EN 685

CR EN 685



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
MUSKOGEE, I. T., AUGUST 22, 1904.

In the matter of the application for the enrollment of Ashby Williams, Blanche Williams Payton, Ruth Payton and Clara Williams Shields, as citizens by blood of the Creek Nation.

APPEARANCES: P. C. West, Attorney for applicants.  
M. L. Matt, Attorney for Creek Nation.

Blanche Williams Payton being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Blanche Williams Payton.  
Q How old are you? A I was 81 in July.  
Q What is your post office address? A Heldenville, Indian Territory.  
Q You make application to be enrolled as a citizen by blood of the Creek Nation? A Yes sir.  
Q Have you a child for whom you wish to make application? A Ruth Payton.  
Q How old is she? A She will be six next year.  
Q What is the name of the father of this child? A Lindsay Payton.  
Q Do you make any claim that he has any rights in the Creek Nation? A No sir.  
Q He is a state man, is he? A Yes sir.  
Q Where do you reside? A Heldenville.  
Q In the Creek Nation? A Yes sir.  
Q How long have you resided in the Creek Nation? A I have been there three years past.  
Q Where did you live before that? A I lived in Paula Valley before that in the Chickasaw Nation, but we came from Texas there.  
Q How long since you came from Texas to the territory? A 6 years.  
Q Did you live all your life in Texas till you came to the territory six years ago? A Yes sir.  
Q What is the name of your father? A G. C. Williams.  
Q What is the O for? A Columbus.  
Q Columbus G. Williams? A Yes sir.  
Q Is he living or dead? A He is living.  
Q Does he claim any rights in the Creek Nation? A No sir.  
Q What is the name of your mother? A Mittie Durant.  
Q Was her maiden name Durant? A Yes sir.  
Q What was her married name? A Williams.  
Q Mittie Williams? A Yes sir.  
Q Is she living or dead? A Dead.  
Q How long has she been dead? A About 19 years.  
Q Did you ever draw any money from the Creek Nation? A No sir.  
Q Did you ever make application to any authority for citizenship in the Creek Nation? A I don't know that I can answer that question of not.  
Q You don't know probably? A I don't know that you mean.  
Q Did you ever go to any authority to see about your citizenship? A We went to see somebody but I don't know who it was.



The records of the Creek citizenship Commission, commonly known as the Colbert Commission, examined and it appears that on August 28, 1898, application for citizenship in the Creek Nation was made to said Commission for Blanche Williams Payton and that the application was denied by said commission September 30, 1898.

The record of the proceedings of this Commission under the provisions of the act of Congress of June 10, 1896 (29 Stat., 581) examined and it appears that application was made to said Commission for citizenship in the Creek Nation for Blanche Williams Payton, Commission case #148; that the application was denied and that an appeal was taken from the decision of the Commission to the United States Court in Indian Territory, and that the decision of the Commission was by the court sustained; Court case #840.

Examination by Mr. West:

- Q Mrs. Payton, have you any brothers and sisters living in Indian Territory? A Yes sir, one brother and one sister.
- Q What are their names? A Ashby Williams and Clara Williams Shields.
- Q Have you any uncles or aunts living in Indian Territory? A Yes sir.
- Q Who are they? A My aunt is Mrs. Millie Minter and my uncle is Otho Durant.
- Q The post office of both of these is Muskogee now, isn't it? A I think so.
- Q Did Otho Durant formerly live at Okmulgee? A Yes sir.
- Q Is your mother's father living? A Yes sir.
- Q What is his name? A Jackson Durant.
- Q Where does he reside? A In Texas.
- Q What place in Texas? A Bartlett, Harrison County.
- Q Was he a Creek Indian by blood? A Yes sir.
- Q Do you know from your family history where he came to Texas from? A I think he came immediately from Mississippi, but he was from Alabama originally? A Yes sir.
- Q Are Mrs. Minter and Otho Durant that you have named, the brother and sister of your mother or of your father? A Of my mother. Brother and sister of my mother.
- Q They are children then of your grandfather? A Yes sir.
- Q The grand father that you spoke of as living in Texas? A Yes sir, my mother's father.
- Q Did you give your grandfather's name? A Yes, Jackson Durant.
- Q Is he sometimes named Andrew Jackson Durant? A Yes sir, Andrew Jackson Durant, Jr.
- Q Commonly called Jackson Durant? A Yes sir, Major, his familiar friends called him.
- Q Do you know where Mrs. Clara Williams Shields is at this time? A No sir, not exactly; but she's in Texas now, sick.
- Q Has she been seriously ill? A Yes sir.
- Q What is the purpose of her visit to Texas? A To recover from her recent illness.
- Q Have you seen her recently? A Two weeks ago today.
- Q What was her condition at that time? A Sick in bed.

Millie Minter being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Millie-- Mildred Minter.
- Q How old are you? A I am 45.
- Q What is your post office address? A Muskogee.

Examination by Mr. West:

Q You are commonly called Millie, are you not? A Yes sir.  
 Q Are you a citizen of the Creek Nation? A Yes sir.  
 Q Are you related to the applicants here, Ashby Williams, and Clara Williams Shields and Blanche Williams Payton? A Yes sir, they are my dead sister's children, my nieces and nephews.  
 Q What was their mother's maiden name? A Millie Durant.  
 Q When did she marry? A G. O. Williams.  
 Q Was she your sister? A Yes sir.  
 Q Who was your father and her father? A A. J. Durant. Commonly called Jackson Durant.  
 Q Where were you born, Mrs. Winter? A In Texas, Williamson County.  
 Q About how long ago did you come to the Indian Territory? A Its going on 18 years.  
 Q Have you any other full brothers and sisters living in Indian Territory? A I have one brother living here.  
 Q What is his name? A Othe Durant.  
 Q Is he a citizen of the Creek Nation? A Yes sir.  
 Q Was your father, Jackson Durant, a Creek Indian by blood? A Yes sir.  
 Q Do you derive your Creek Indian blood through your father? A Yes sir.  
 Q Are you acquainted with Ashby Williams? A Yes sir.  
 Q And Clara Williams Shields? A Yes sir.  
 Q And Blanche Williams Payton? A Yes sir.  
 Q They are all your nieces and nephews? A Yes sir.  
 Q How long has it been since you saw your father, Jackson, Durant?  
 A Its been a little over two years since I saw him.  
 Q Where was he at that time? A He come to see me.  
 Q Here at Muskogee? A Yes sir.  
 Q Did your father, Jackson Durant, speak the Creek language? A He did long years ago but he don't now, he is old, you know.

By the Commission:

The records of the Commission show that Millie Winter is listed for enrollment on Creek Indian card Field No. 88, approved roll No. 1008, that she is identified on the 1898 authenticated tribal roll of the Creek Nation and on the 1898 pay roll of said nation, Hickory Ground town.

The records of the Commission further show that Othe Durant is listed for enrollment on Creek Indian card Field No. 88, approved roll No. 1008, and an examination of the records of the Commission show that he made application for citizenship in said nation to said commission on July 18, 1898, and that on August 26, 1898, said commission rendered its judgment in the case granting the application.

Ashby Williams being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Ashby Williams.  
 Q How old are you? A 28 in July.  
 Q What is your post office address? A Muskogee.  
 Q Do you make application for enrollment as a citizen by blood of the Creek Nation? A Yes sir.  
 Q You also desire to make application for the enrollment of your sister Clara Williams Shields? A Yes sir.  
 Q What is the state of her health? A She had malarial fever for three weeks, up to some two weeks ago and we carried her on a cot to the depot; she is improving now.

Q How old is she? A 80 in December.  
Q What is her post office? A Her home is at Okmulgee.

(Owing to the sickness of Clara Williams Shields, her brother will be allowed to make application for her enrollment.)

Q You make application for the enrollment of yourself and your sister, Clara Williams Shields, as citizens by blood of the Creek Nation, do you? A Yes sir.

Q How long have you resided in the Creek Nation? A I first came here 10 years ago I think.

Q Have you been living here ever since? A I have been away since, once about a year, I think.

Q Where did you live before that? A My home was in Texas.

Q Had you lived in Texas all your life before you came here 10 years ago? A Yes sir, born and raised there; never out of the state until I came here.

Q Did your sister Clara come here at the time? A No sir, I came myself first.

Q When did she come to the Creek Nation about how long ago? A I think it was a couple of years later. About 8 years ago.

Q Did she live all her life in Texas before that? A Yes sir.

Q Was any money ever drawn for you in the Creek Nation? A No sir.

Q Any for your sister? A Not that I know of.

Q You never heard of anything of the kind? A No sir. All the benefits we ever received from the Creek Nation were years ago when we came here; Charley Barry was permit collector at that time and he knew my people who were recognized citizens and he never asked me to pay any permit on that account.

Q Did you ever hear of any money ever being drawn for your sister Clara in the Creek Nation? A No sir.

Q To what town in the Creek Nation do you claim to belong? A Hickory Ground.

Q Did you make application to the Gilbert Commission for citizenship? A That was a Commission that was appointed by the Creek Council.

Q Yes. A Yes sir, I think so; about that time I was crippled; had a knife in my thigh and I went out there the last day before the Commission expired and I had very little evidence; my uncle Arthur was the principal witness I had and I believe we used him.

The records of the Creek Citizenship Commission, commonly known as the Gilbert Commission, examined and it appears that on August 28, 1893, application was made to said commission for citizenship in the Creek Nation for Abby and Clara Williams; that the application was denied by said commission on September 4, 1893.

The record of the proceedings of this Commission under the act of Congress of June 10, 1896, examined, and it appears that application was made to said commission for citizenship in the Creek Nation for Abby and Clara Williams; Commission case filed; the application was denied; that an appeal was taken to the United States Court in Indian Territory, and that the judgment of the Commission was by the court sustained; court case 2449.

Marion A. Farvin being duly sworn testified as follows:  
Administration by the Commission:

Q What is your name? A Marion A. Farvin.  
Q How old are you? A 37 last birthday.  
Q What is your post office address? A Muskogee.

Examination by Mr. West:

- Q Are you a citizen of the Creek Nation, Doctor? A I am.
- Q By blood? A Yes sir.
- Q Were you born in this nation or somewhere else? A Born in Alabama; called the old nation.
- Q Are you acquainted with Otho Durant and Mrs. Millie Minter here in the Creek Nation? A Yes sir; I knew them people a number of years.
- Q Do you know who their father was? A Yes sir.
- Q Who was it? A They call him Mack Durant.
- Q Is that Andrew Jackson Durant or A. J. Durant? A Yes sir.
- Q When and where did you first know him? A In Alabama.
- Q Were you grown at the time you knew him in Alabama or a boy? A Hardly, it was along in the 60's that I knew him; I was born in '37; I knew his father; about 8 miles from us.
- Q Do you know A. J. Durant to be of Creek Indian blood? A Yes sir.
- Q Were your families related in any way? A Yes, belonged to the same Creek Indian family.
- Q Have you ever seen A. J. Durant in recent years? A I saw him two or three years ago; met him on the street here in Muskogee.
- Q Do you know what he was doing here that time? A Visiting his daughter Mrs. Millie Minter.
- Q What town did your family and Jackson Durant's family belong to in the Creek Nation? A Hickory Ground town.
- Q Do you know Abby Williams, Mrs. Payton and Mrs. Shields who are making application here? A Yes sir.
- Q Are they related to this Jackson Durant that you have been talking about? A Yes sir.
- Q What relation are they to Jackson Durant? A Grandchildren.
- Q And what relation are they to Mrs. Minter and Otho Durant? A Nephew and nieces.
- Q Was the place in Alabama where you knew Jackson Durant when you were a boy known as the old Creek Nation? A Well, it was in Alabama but it was not the central part of the Creek Nation; the Creek Nation proper was away up on Tallapoosa river and the other on Tuckabatchee; my brother moved down in Baldwin County and settled there; the Sizemores and Hacks and Waterfords, etc.
- Q Has A. J. Durant ever lived in Indian Territory since you have been living out here? A Not as I know of.
- Q Is he an older man than you are? A Yes sir, very much.
- Q Was he a grown man when you were a boy? A Yes sir.
- Q You might state, Doctor, what the relationship between Jackson Durant and your mother was- if he was related to you on your mother's side-A. J. Durant? A Jackson Durant's father and my grandfather were own cousins. Jackson Durant's mother was Laughlin Durants' mother and Sophie McGilbre. I notice they don't spell the McGilbre name right.
- Q How was it, originally spelled? A Mc-Gill-i-b-r-a-y, a scotch name on the Colonel's side and Creek Indian on the mother's side.

Otho Durant being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Otho Durant.
- Q How old are you? A I was 34 last December.
- Q What is your post office address? A Muskogee.



## Examination by Mr. West:

- Q Are you related to the applicants here, Ashby Williams and Mrs. Payton and Mrs. Shields? A Yes sir.
- Q What relation are you? A I am their uncle; their mother was my sister.
- Q What was their mother's name? A Amelia; she went by the name of Mittie.
- Q Mittie what? A Durant; after she married she was a Williams.
- Q Was she your sister? A Yes sir.
- Q Mrs. Ninter who has testified here this morning is your sister? A Yes sir.
- Q Are you a son of A. J. Durant of Jackson County? A Yes sir.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q Of what town? A Hickory Ground.
- Q Are you a Creek Indian by blood? A Yes sir.
- Q Where were you born? A In Louisiana.
- Q Where did you come from to the Indian Territory? A From Texas.
- Q About when did you come to the Indian Territory? A I came here in '90 or '91. I have been here since that the rest of the time; in '90 I moved my family here.
- Q You were only here off and on between '90 and '91? A Yes sir.
- Q You were enrolled as a citizen of the Creek Nation at that time? A In '96 I think it was.
- Q Before what body was that? A The citizenship Commission I believe they call it; the Indian court.
- Q What was commonly styled the Colbert Commission appointed by the Creek Council? A Yes sir.
- Q In what way did you establish to their satisfaction that you were a Creek Indian by blood; what evidence did you have? A Old man Cunningham, Ward Coachman who was at one time chief of the Creek Nation? A Yes sir; I think so; he is dead now.
- Q Was he any relation to your family? A Yes sir, him and my father were first cousins.
- Q Is Ward Coachman living or dead now? A Dead.

Columbus C. Williams being duly sworn testified as follows:

## Examination by the Commission:

- Q What is your name? A Columbus C. Williams.
- Q How old are you? A 37.
- Q What is your post office address? A Wadsworth, Indian Territory.
- Q Are you a citizen of the Creek Nation? A Yes sir.

## Examination by Mr. West:

- Q Are you the father of the applicants who are making application here for enrollment? A Yes sir.
- Q Who was the mother of these applicants? A Mittie Durant; she was before you married her? A Yes sir.
- Q She was a daughter of Jackson Durant? A Yes sir.
- Q When and where did you marry her? A Mobile, Wilcox County, Texas.
- Q When were you married? A 1878.
- Q Is your wife who was the mother of these applicants, living or dead? A She is dead.
- Q When did she die? A On the 8th of December, 1888.
- Q When did you first come to the Indian Territory? A Approximately I first came here in '90; I didn't come here till the fall of '90.
- Q To live? A Yes sir.



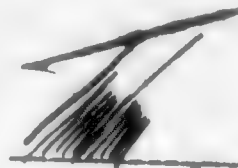
E. C. L. 188  
No. 888

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ashby Williams, Blanche Williams Payton, Ruth Payton and Clara Williams Shields as citizens by blood of the Creek Nation.

STATEMENT BY COMMISSIONER.

The tribal rolls of the Creek Nation in the Commission's possession examined and none of the applicants are identified on any of said rolls.



Commissioner

Muskogee, Indian Territory,



E. L. L.

En. 685

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ashby Williams, Blanche Williams Payton, Ruth Payton and Clara Williams Shields as citizens by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that on August 23, 1904, Blanche Williams Payton appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her minor child, Ruth Payton, as citizens by blood of the Creek Nation.

The record further shows that on said day, Ashby Williams, brother of said Blanche Williams Payton, appeared before the Commission and made application for the enrollment of himself and his sister, Clara Williams Shields, as citizens by blood of the Creek Nation.

The evidence shows that none of the applicants are full blood Creek Indians.

It does not appear that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor does it appear that they, or any of them, have ever been admitted to citizenship in said nation by the Creek Tribal Authority, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

The evidence further shows that the principal applicants herein made application to the Commission to the Five Civilized Tribes for admission to citizenship in the Creek Nation under the provisions of the act of Congress, June 10, 1896 (29 Stats., 321); that the application was denied and that an appeal was taken from the decision of the Commission to the United States Court in Indian Territory, and that the decision of the Commission was sustained by said United States Court.

The evidence further shows that the principal applicants herein made application for citizenship in the Creek Nation to the Creek Citizenship Commission, commonly known as the Colbert Commission, and that the application was denied by said commission.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of Ashby Williams, Blanche Williams Payton, Ruth Payton and Clara Williams Shields as citizens by blood of the Creek Nation and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
CHAIRMAN

  
COMMISSIONER

MUSKOGEE, INDIAN TERRITORY

MAR 15 1905

  
COMMISSIONER

P. M.

SP. IN. 0001

Muskogee, Indian Territory, April 20, 1900.

Clara Williams Shields,

Omulgee, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a citizen by blood of the Creek Nation, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

CHALFANT

Register.  
IM-4-RO-0A.

*L. H.*

Cr.No.685.

Muskogee, Indian Territory, April 20, 1905.

Ashby Williams,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a citizen by blood of the Creek Nation, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register,  
IM-4-40-97.

Chairman.

*S. dl.*

Cr. En. 685.

Muskogee, Indian Territory, April 20, 1905.

Blanche Williams Payton,  
Holdenville, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and your minor child, Ruth Payton, as citizens by blood of the Creek Nation, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.  
LM-4-20-96.

P. M.

OF. MA. 100.

Munro, Indian Territory, April 10, 1900.

The Honorable

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Wianche Williams Payton et al., as citizens by blood of the Creek Nation, including the decision of the Commission, dated March 10, 1900.

Respectfully,

W. H. Adams

Through the Commissioner  
of Indian Affairs.

IM-4-80-100.

*P. A.*

Or. En. 685.

Muskogee, Indian Territory, April 20, 1905.

M. L. Nett,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Blanche Williams Payton et al., as citizens by blood of the Creek Nation, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

IM-4-20-92.

S. 10  
Or.Mn.68h.

Muskogee, Indian Territory, April 20, 1908.

P. G. West,

Attorney for Blanche Williams Payton et al.,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Blanche Williams Payton et al., as citizens by blood of the Creek Nation, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

LM-4-20-98.



OF IN 885

Muskogee, Indian Territory, May 26, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

March 16, 1906, the Commission denied the application for the enrollment of Aubrey Williams, et al., as citizens by blood of the Creek Nation.

April 22, 1906, the record in said case, together with the decision of the Commission of March 16, 1906, was forwarded to the Department for review and decision.

May 14, 1906, J. C. West, attorney for the applicants, delivered to the Commission for transmission to the Department a brief in said case. Said brief is herewith transmitted for Departmental consideration.

Respectfully,

Chairman

Through the  
Commissioner of Indian Affairs.

JY - 54

Refer in reply to the following  
Land, 40430-1008,

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, May 31, 1906.

The Commission to the  
Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

Under date of May 24, 1906, you transmit through this  
Office a brief in behalf of the applicants in the matter of the  
application for enrollment as citizens by blood of the Creek Nation  
of Ashby Williams et al. You further state, that on April 15,  
1906, you forwarded the records.

A careful examination of the files and records fails to  
show that the case has ever been received by this office.

Very respectfully,

(Signed) C. F. Larrabee,  
Acting Commissioner.

M. N. M. W.

#685

Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

June 8, 1900.

SUBJECT:

Reporting that record in  
case of Ashby Williams et al.  
was forwarded under name of Blanch  
Williams Payton et al.

Creek En. 685.

Number of Inclosures

COMMISSIONERS  
TAMM BIRBY,  
THOMAS B. HIGGINS,  
G. R. BRIDGEMAN.

WM. O. HALL,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

No. 686.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 6, 1906.

Commissioner of Indian Affairs,  
Washington, D.C.

Sir:

Replying to your communication of May 31, 1906 (Land 40430-1906), the Commission has the honor to report that on April 20, 1906, it transmitted to the Department, through your Office, the record in the matter of the application for the enrollment of Ashby Williams, et al., as citizens by blood of the Creek Nation. In the Commission's letter transmitting said record the case was referred to, because of the name of the principal applicant therein, as the case of Blanche Williams Payton et al.

If with this information you are unable to find said record in the files of your Office, the Commission will, upon receiving information to that effect, forward a copy of same.

Respectfully,

Commissioner in Charge.

✓ #685  
DEPARTMENT OF THE INTERIOR,

WASHINGTON, December 8, 1905.

I.T.D. 8874-1905

TAM

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department has considered the record in the matter of the application for the enrollment of Ashby Williams, Blanche Williams Payton, Ruth Payton, and Clara Williams Shields, as citizens by blood of the Creek Nation, transmitted by the Commission to the Five Civilized Tribes on April 20, 1905, with its decision of March 15, 1905, refusing to enroll the applicants.

On May 24, 1905, the Commission transmitted for departmental consideration a brief filed by P.C. West, as attorney for the applicants, on that date. This brief has been considered in connection with the case.

Reporting in the matter May 6, 1905, the Indian Office recommended that the Commission's action adverse to all of the applicants be approved. A copy of its letter is inclosed.

The Department concurs in the recommendation of the Indian Office, and said decision of March 15, 1905, is hereby affirmed.

Respectfully

Thos Ryan

First Assistant Secretary

1 inclosure

Refer in reply to the following:

Land  
21365-1905.

DEPARTMENT OF THE INTERIOR  
Office of Indian Affairs,  
Washington, May 8, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 30, 1905, transmitting the record of the application for enrollment as citizens by blood of the Creek Nation by Blanche Williams Payton for herself and her minor child, Ruth Payton; by Ashby Williams, brother of Blanche Williams Payton, for himself and his sister, Clara Williams Shields.

March 15, 1905, the Commission decided adversely to the applicants.

The record shows that none of the applicants is a full blood Creek Indian.

It further appears that the principal applicants made application to the Commission for admission to citizenship in the Creek Nation; that the application was denied and that an appeal was taken to the United States Court Indian Territory and the decision of the Commission was sustained by said Court; that they made application to the Colbert Commission and that said application was denied.

It does not appear that any of the applicants has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

G. F. Larrabee

Acting Commissioner

MCM  
W

42 605

Muskogee, Indian Territory, December 19, 1905.

Olaf Williams Shields,

Okmulgee, Indian Territory.

Dear Sir:

You are hereby notified that under date of December 8, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated March 10, 1905, denying the application for your enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.



Zn 608

Muskogee, Indian Territory, December 19, 1905.

Amby Williams,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that under date of December 8, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated March 15, 1905, denying your application for enrollment as a citizen by blood of the Creek Nation.

Sincerely,

Commissioner.

✓  
En 685

Kuckogee, Indian Territory, December 19, 1905.

Blanche Williams Peyton,

Holdenville, Indian Territory.

Dear Madam:

You are hereby notified that under date of December 8, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated March 15, 1905, denying the application for the enrollment of yourself and your minor child, Ruth Peyton, as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

✓  
En 685

Lawson, Indian Territory, December 19, 1905.

A. O. West,

Attorney for Aubrey Williams, et al.,  
Lawson, Indian Territory.

Dear Sir:

You are hereby notified that under date of December 8, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated March 15, 1905, denying the application for the enrollment of Aubrey Williams, et al. as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

No 605

Muskogee, Indian Territory, December 19, 1905.

Mr. A. Kott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby notified that under date of December 8, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated March 15, 1905, denying the application for the enrollment of Blanche Williams Peyton, et al. as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

In re  
Application of  
Ashley Williams

Brief

Copy

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 24 1894

CHAMBERS

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ashby Williams et al. as citizens by blood of the Creek Nation.

No. 685.

To the Honorable Secretary of the Interior:

On March 15th, 1905,

the Commission to the Five Civilized Tribes denied the application herein, and on April 21st, furnished counsel for applicants with a copy of their opinion. In that opinion it is stated that none of the applicants are full blood Creek Indians, and further recites the adverse action of the Creek Commission, the Dawes Commission, and the United States Court upon their original application for citizenship; but they seem to have given no consideration to subsequent legislation upon the subject of citizenship in the Creek Nation.

The original act of Congress ( June 10<sup>th</sup> 1896) empowering the Dawes Commission to make complete rolls of these tribes, undertook to make existing tribal rolls the basis of the work, but the Act of June 28th, 1898 eliminated, it would seem, all of that excepting the Cherokee 1880 roll, and as to the other tribes, gave the Commission a free hand, it says:

"Said Commission is authorized to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such inter-married white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

Now, it would seem to follow as a logical sequence that the power to eliminate from existing rolls all persons "placed thereon by fraud or without authority of law", gave them the same power of adding to these rolls any person found entitled to enrollment, especially if we give any force and effect to the words "enrolling

such only as may have lawful right thereto". In other words they were authorized, empowered and directed to make up rolls of the Creek, Choctaw and Chickasaw Nations, which should embrace all who rightfully belonged thereon. That is to say, that notwithstanding the tribal authorities and the courts, of the United States had passed favorably upon an application, if the Commission found this had been procured by fraud or done "without authority of law" then such persons were to be eliminated. If on the other hand the rulings had been adverse, to the applicant, and such ruling was contrary to their legal rights, the Commission was to examine the matter and enroll the applicant if found entitled. That is to say, so far as making up the Creek Roll of citizens by blood, under Section 21 of the Act of June 28th, 1898, the Commission was absolutely untrammelled by what had gone before. Now, the applicants in this case have been in the Creek Nation for eight or ten years, endeavoring to secure recognition of their rights. There is no question about their being grand children of Jackson Durant, who was a citizen both of the old Nation in Alabama and the present Nation in the Indian Territory.

Thousands have been enrolled who had far less legitimate claims and the Commission should have corrected the injustices done these people by former adverse rulings, and placed them upon the roll.

Furthermore, section 29 of the Creek Treaty (Act March 1st, 1901) makes special provision for the Texas Creeks, and their families. It is quite clear that the families need not be full bloods.

The ancestor through whom these people claim is dead, but they unquestionably belong to the general class intended to be benefitted by the provisions in the Treaty.

It is earnestly submitted that the ruling of the Commission should be reversed and these applicants ordered enrolled.

Respectfully,

*Prison C. West*



CR EN 686

CR EN 686

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUNDOGAN, I.T. AUGUST 22, 1904.

In the matter of the application for the enrollment of Nannie Osbon as a citizen by blood of the Creek Nation.

APPEARANCE: M. L. Mott, attorney for Creek Nation:

Nannie Osbon being duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Nannie Osbon.  
Q How old are you? A 68.  
Q What is your post office address? A Langston, Oklahoma.  
Q Do you make application to be enrolled as a citizen by blood of the Creek Nation? A Yes sir.  
Q What degree of blood do you claim? A My mother was half; my grandfather was full blood.  
Q You don't claim to be a full blood Creek? A No sir.  
Q Where do you live? A In Oklahoma.  
Q How long have you been living there? A Two years the 1st of October.  
Q Where did you live before that? A In Missouri.  
Q How long there? A Sixteen years.  
Q Where before that? A Kentucky.  
Q How long in Kentucky? A 15 years.  
Q Did you ever live in the Indian Territory? A No sir, only when I came down.  
Q Did you ever have a home in Indian Territory? A No sir. My mother always said I had a right.  
Q Did you ever draw any money from the Creek Nation? A No sir.  
Q To what town in the Creek Nation do you claim to belong? A My mother always said she was a Creek; she was born in Georgia.  
Q She never lived in Indian Territory? A No sir.  
Q Did you ever go to any other authority to see about your citizenship? A Never before.  
Q This is the first time you ever went anywhere to see about it? A Yes sir.

The vital rolls of the Creek Nation examined, and the applicant not identified therein.

- Q How long has your name been Osbon? A 47 years the 4th Sunday in October.

Record of the proceedings of the Commission under the act of June 10, 1896, examined and it does not appear that application was made under the provisions of said act for citizenship in the Creek Nation by the applicant herein.

Records of the Colbert Commission examined and it does not appear that application was made to that commission for the admission of the applicant herein.

- Q Is there anything else you want to say about this? A I don't know, sir; my witness is in Alabama & I thought you would look at the letter  
Henry G. Hains being duly sworn on his oath states that as stated.

to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry H. Haines.

Subscribed and sworn to before me this 26 day of September, 1904.

*H. M. [Signature]*  
Notary Public.

P. D.

En. 686.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Nannie Osbon as a citizen by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on August 23, 1904,  
Nannie Osbon appeared before the Commission at Muskogee, Indian  
Territory, and made application for enrollment as a citizen by blood  
of the Creek Nation.

The evidence shows that the applicant is not a full blood  
Creek Indian.

It does not appear from the evidence that the applicant  
has ever been enrolled as a citizen of the Creek Nation, nor does it  
appear that she has been admitted to citizenship in said Nation by  
the Creek Tribal Authorities, the Commission to the Five Civilized  
Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there  
is no authority of law for the enrollment of said Nannie Osbon as a  
citizen by blood of the Creek Nation, and that the application for  
her enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.  
Commissioner.  
Commissioner.

Muskogee, Indian Territory.

11st

Creek No 686

Muskogee, Indian Territory, January 13, 1905.

Fannie Ochoa,

Langston, Oklahoma Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for your enrollment as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Registered.

JYM-13-9C.

Creek No 506

Kuskogee, Indian Territory, January 13, 1908.

M. L. Mott,

Attorney for the Creek Nation,

Kuskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the Decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Hannie Gibson as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYN-13-91.



Creek In 686

Muskogee, Indian Territory. January 12, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Nannie Osborn as a citizen by blood of the Creek Nation, including the decision of the Commission, dated January 4, 1905.

Respectfully,

Chairman,

Through the  
Commissioner of Indian Affairs.

JYN-13-92.



W.D.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D. 794-1905.  
LRS.

February 16, 1905.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

January 13, 1905, you transmitted the record in the matter of the application for the enrollment of Nammie Osbon as a citizen by blood of the Creek Nation, including your decision of January 4, 1905, rejecting said application.

Reporting in the matter January 23, 1905, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock.

Secretary.

1 enclosure.

(COPY)

DEPARTMENT OF THE INTERIOR ,

Refer in reply to  
the following:

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, January 23, 1905.

. Land.  
4255-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 13, 1905, transmitting the record of the application, made August 23, 1904, for enrollment as a citizen by blood of the Creek Nation by Nannie Osbon.

January 4, 1905, the Commission decided adversely to the applicant.

The record shows that no prior application has been made; that the applicant is not a full blood Creek Indian and that she has never been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

(Signed) C. F. Larrabee.

Acting Commissioner.

M.M.M.  
W.

✓ West  
En. 686.

Muskogee, Indian Territory, February 27, 1908.

M. L. Mott,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of February 16, 1908, affirmed the decision of the Commission to the Five Civilized Tribes, under date of January 4, 1908, denying the application of Fannie Osbon as a citizen of the Creek Nation.

Respectfully,

Chairman.

En. 686.

Muskogee, Indian Territory, February 27, 1905.

Nannie Osbon,

Langston, Oklahoma Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 16, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for your enrollment as a citizen of the Creek Nation.

Respectfully,

Chairman.

CR EU 687

CR EU 687

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 23, 1904.

In the matter of the application for the enrollment of Sammie Jameson, deceased, as a Creek Freedman.

Appearance: A. S. McRae, attorney for applicant:

X  
Lula Jameson being duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Lula Jameson.  
Q How old are you? A Going on 23.  
Q What is your post office address? A Muskogee.  
Q Have you a child you wish to make application for? A Yes sir.  
Q What is its name? A Sammie Jameson.  
Q Is he living or dead? A Dead.  
Q When was he born? A In 1900.  
Q What month and what day? A I disremember the day but it was in January.  
Q How old was the child when it died? A I don't know exactly but it lived until 1901 in October.  
Q What is the name of the father of this child? A Lewis Jameson.  
Q Is he a citizen of the Creek Nation? A Yes sir.

The records of the Commission show that Lewis Jameson is listed for enrollment on Creek Freedman card Field No. 1065, and that his name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 28, 1902, No. 3968.

- Q You have an application now pending for citizenship for yourself? To be enrolled? A Yes sir.  
Q Have you a child named Jennie? A Yes sir.  
Q Which is the oldest, Sammie or Jennie? A Sammie is the oldest.  
Q How much older? A Not so very much.  
Q To the best of your knowledge? A About 9 months older I think.  
Q Was Jennie born before Sammie died or after? A Yes sir, born before he died.  
Q Was Sammie living when Jennie was born? A Yes sir.  
Q What's the reason you haven't made application for this child's enrollment before now? A Well, the reason I never made none before he died cause he was so sick then I was unable to bring him to town to make application.  
Q Well, you didn't have to bring him to town. A That's what they said; his papa made application for Jennie.  
Q Was Sammie alive when he made application for Jennie? A No sir.  
Q He was dead then? A Yes sir.  
Q How long had he been dead? A I don't know; didn't keep no strict account of it.  
Q Did you make any record of the date of the birth and death of this child; write it down in a book anywhere? A No sir.  
Q Can you read and write? A A little.

Henry C. Hains being sworn on his oath states that, as stenographer to the Commission to the Five Civilized Tribes he reported the above case.

and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 26 day of September, 1904.

*H. H. Hains Jr.*  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 24, 1906.

In the matter of the application for the enrollment of Sammie Jameson, as a Creek Freedman. (ADDITIONAL TESTIMONY), deceased

APPEARANCES:

A. S. McRae, for the Applicant;  
T. H. Cobb, for the Creek Nation.

Lewis Jameson, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Lewis Jameson.  
Q How old are you? A About 25.  
Q What is your postoffice address? A Haynes.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q Have you got your land? A Yes sir.  
Q Did you know a child named Sammie Jameson? A Yes sir.  
Q Who is the mother of that child? A Lula Jameson.  
Q Is she a citizen of the Creek Nation? A No sir.  
Q What is the name of the father of Sammie Jameson? A Lewis Jameson.  
Q Is he living? A Who's that?  
Q Lewis Jameson. A Yes, sir.  
Q Do you claim to be the father of this child? A Yes sir.  
Q Were you ever married to Lula Jameson? A Yes sir.  
Q Did you get a marriage license? A When I came to file for Jennie Jameson I brought the license here; I never did get it.  
Q Do you state now that this child, Sammie Jameson, is your child? A Yes sir.  
Q How long after your marriage to Lula Jameson before Sammie Jameson was born? A I married a year, a little over a year.  
Q How much over a year? A I don't know exactly.  
Q About as much as two years? A I don't know sir; I don't think it was quite two years.  
Q Was it a year or six months? A I don't know.  
Q About how many months more than a year was it after you married Lula Jameson that this child, Sammie Jameson, was born? A I don't know exactly. I know have (had) married Lula over a year.  
Q When was Sammie Jameson born? A Born the same year they started to file here. I don't know what year it was.  
Q How long did he live? A He lived about--my recollection, I guess about two days.  
Q Are you certain he did not live a week? A No, sir; I don't think he lived a week.  
Q You state you think he lived about two days? A-----  
Q Are you positive he did not live as much as a month? A No sir, he did not live a month.  
Q Do you know the month in which he was born? A No sir.

Sammie Jameson-----2.

Q When was your child, Jennie Jameson, born? A I don't know that.

Q Who was born first, Jennie or Sammie? A Sammie.

Q About how long before Jennie's birth was Sammie born? A About two years apart.

Q Can you get any nearer? A No sir.

Q Was it two years, or was it more or less? A Two years.

Q Have you any idea whether it was more or less? A No sir.

Q Did your child, Sammie, die before Jennie was born? A Yes sir.

Q How long before? A Two years, I guess. I can't read--

Q Were you present when Sammie Jameson was born? A Yes sir.

Q Have you any record anywhere of the birth of your child, Sammie? A No sir.

Q Record of the birth? A No sir.

Q Neither birth or death written down anywhere? A No sir. His mother might have.

Q Who was present when Sammie was born? A Jud Lucky, Lula's mother and Katie Hawkins.

Q Anybody else? A No sir.

Q Weren't you there? A I was there.

Q Don't you know that Relia Hawkins was also present? A Yes sir, I said it was Lula's mother; Katie she is a young woman.

Q Is Lula's mother named Relia Hawkins? A Yes sir.

Q Was there any doctor present when the child died? A Yes sir.

Q What was his name? A Mr. Winns.

Q What is his full name? A All I know is Winns.

Q You know his initials? A No sir.

Q Where does he live? A I don't know sir. He went away week before last, I believe, it was down to Fort Smith.

Q Any other doctor? A Wesley Warrenner; he was there.

Q Is he a doctor? A Yes sir.

Q What is his postoffice? A Tallahassee.

Q Was there any doctor present when Sammie Jameson was born? A Mr. Winns was.

BY MR. MORAN:

Q You are the father of Sammie Jameson deceased? A Yes sir.

Q Is your child? A Yes sir.

Q You and his mother, Lula Jameson, were living together at that time as man and wife? A Yes sir.

Q Are you living together now? A No sir.

Q Were you divorced? A Yes sir.

Q How long since have you divorced? A About a month from now. It was along December, 1904.

BY THE COMMISSION:

Q Were you present when he died? A Yes sir.

Q You saw it dead? A Yes sir.

Q You saw it buried? A Yes sir.

Q Are you positive now that it was not as much as a month from the time it was born until it was out in the ground? A Yes sir.

BY MR. MORAN:

Q Jameson, now, do you state positively as to when your de-

Sammie Jameson-----3.

ceased child, Sammie Jameson, was born? Do you state positively, do you know when he was born and when he died? A I don't know the month and year when born, but I know when it died.

Q Do you state positively now that you know when it died? A I know when it died all right.

Q Did it die the same year it was born? A Yes sir.

Q Now, do you state as to the year when it was born; do you state positively when that year was? A No sir.

Q Now I will ask you if at the time of the birth of the child, you and Lula were living together as husband and wife? A Yes sir.

Q Now I will ask you if you are familiar with years and dates? A No sir.

Q The mother of the child, Lula, your ex-wife, filed a birth affidavit here, setting forth that the child was born the 28th day of January, 1900, and that it died sometime during the year, if I am not mistaken, October of the year 1901; are you prepared now to state that that statement is untrue or incorrect? A I don't know what to say; I don't know. I never paid attention. I don't know how long it was it occurred. I couldn't read nor write or nothing. All I can say the child died and we buried it; how long I couldn't say.

Q Are you positive in your statement that the child died in a few days after its birth? A Yes sir.

Q But as to the year you are not positive when it was born? A No sir.

Q You are not able to state whether it was in the year 1900 or 1901? A No sir.

Q Now, are you prepared to state as to what month in either of those years 1900 or 1901 the child was born? A All I can say it was born the same year they started filing. I don't know what year that is.

Q You kept, as you have already stated, no record? A No sir. I have kept no record at all.

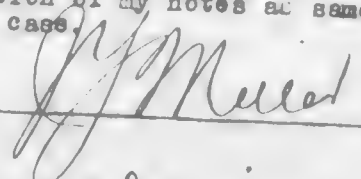
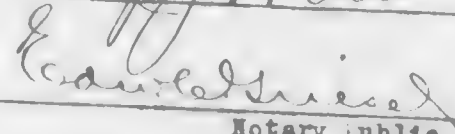
THE COMMISSION: The witness, and the attorney for the applicant who is present are advised that the Commission requires, as it already advised the mother of said child by letter, that Lula Jameson, the mother of said deceased child, ~~and~~ Relia Hawkins, her mother and the midwife in attendance at the birth, and any other witnesses who know the exact dates of the birth and death of said child, to appear before the Commission, for the purpose of being examined under oath. For said purpose--

Thirty days are allowed applicant.

INDIAN TERRITORY,  
Western District.

I, J. Y. Miller, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify upon oath that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Subscribed and sworn to  
before me this 25th  
day of February, 1905.

  
  
Notary Public.

Ex. 687.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, MARCH 22, 1905.

-ooOop-

In the matter of the application for the enrollment of Sammie Jameson, deceased, as a Creek Freedman.

A. S. McRAB, Attorney for applicant.

RELIA HAWKINS, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

- Q What is your name? A Relia Hawkins.
- Q How old are you? A Between forty-five and fifty- ; don't know exactly to the year how old I am.
- Q What is your postoffice address? A Muskogee.
- Q Have you a child named Jennie? A Yes.
- Q Jennie Hawkins? A No, Jennie Jameson.
- Q Are you a citizen of the Creek Nation? A No, sir, just married a citizen that is all.
- Q Do you know Lewis Jameson? A Yes, he is my son-in-law.
- Q Do you know Lula Jameson? A Yes, that is my daughter.
- Q Do you know a child of hers named Sammie Jameson? A Yes.
- Q Where is he now? A He is dead.
- Q When was he born? A I cannot tell the number of years.
- Q Were you present when he was born? A Yes.
- Q Were you the granny? A Yes, sir.
- Q Did you know a child of hers named Jennie? A Yes.
- Q Did you granny that one too? A Yes, I was right there.
- Q Which one was born first Jennie or Sammie? A Sammie, he is the oldest.
- Q How long after Sammie was born before Jennie was born--was it as much as a year? A Yes, I guess so.
- Q Was Jennie born after Sammie? A Yes.
- Q Was Sammie dead when Jennie was born? A Yes, but he had not been dead so very long.
- Q About how long had Sammie been dead when Jennie was born? A I cannot come to that.
- Q Are you positive that Sammie died before Jennie was born? A I think he was to the best of my recollection.
- Q Did you see him put in the ground? A I did not go to the graveyard.
- Q Do you know that Jennie was not born then? A No, she was not born.
- Q How long after that before she was born? A She is about four years old.
- Q Can you tell me about how old Sammie was when he died? A I guess he was between six and seven months old and very near a year old when he died.
- Q There is quite a difference between six or seven months and a year, now which is correct--did he live six or seven months or did he live a year? A Nearly a year, or about a year.
- Q You cannot sign your name can you? A No.
- Q Do you remember going before a Notary Public and making out an

Sammie Jameson... #2.

- affidavit about the birth and death of this child, Sammie? A Yes.
- Q Did the Notary Public read that over to you? A Yes, sir.
- Q In that affidavit you stated that Sammie was born January 28, 1900? A I can tell nothing about it.
- Q How could you tell then? A I can tell nothing, I don't know.
- Q What did the Notary Public put that down for if you could not tell? A My daughter could tell.
- Q Did you tell him the child was born January 28, 1900? A I guess that was right.
- Q But how could you tell him if you did not know? A I know when he died and when he was born.
- Q On the same day you stated that Sammie Jameson died October 9, 1901--you just now told me that he was born before and died before Jennie was born? A He did.
- Q Can you tell the year in which he was born? A I know that he was born, but the date I do not know--I cannot read and write.
- Q Then you cannot give the year in which Sammie was born? A No.

Records of the Commission show that Jennie Jameson was born January 23, 1901.

- Q Do you know when the Creek Land Office opened? A I cannot give the year.
- Q Well, do you remember that circumstance? A Yes.
- Q Was Sammie Jameson born then? A Yes.
- Q Was he dead at that time? A I reckon he was.
- Q You think then that he was born and died before the land office opened, is that correct? A No, I do not think he died before it opened.
- Q When you made out these affidavits you did not know the year, is that right? A Yes, sir.
- Q And if the Notary Public put it down he did so from some other information, is that correct? A He put it down what it was I guess---I knew what it was then I reckon.
- Q Could you tell it now? A No.
- Q Did Sammie die the same year in which he was born? A No.
- Q Did he die the next year after he was born? A I guess so; bound to be---I cannot give any dates because I do not know.
- Q Who was the father of Sammie Jameson? A Lewis Jameson.
- Q How do you know? A He had my daughter.
- Q Did you see them married? A He stood as close to me as you are now.
- Q Who married them? A Mr. Joe Winston.
- Q Is he living? A I do not know.
- Q How long did your daughter live with Lewis Jameson? A Until they separated two years ago.
- Q How long since they were married--two years? A More than that.
- Q Five years? A Five or six; may be seven.
- Q Did you ever see them live together? A They stayed right in the room with me until we moved out.
- Q And you think he is the father do you? A I almost know it.
- Q Were they married by license? A Yes.

There are on file with the Commission in the case of Jennie Jameson, Creek Freedmen 172, a marriage license and certificate between Lewis Jameson and Lula Hawkins; said license and certificate was issued February 17, 1899, and the license was filed March 18, 1899.

LULA JAMESON, being duly sworn, testified as follows:

- Q What is your name? A Lula Jameson.
- Q Are you the same Lula Jameson who appeared before the Commission and made application for the enrollment of Sammie Jameson? A Yes.

Sammie Jamison...#3.

- Q What is your postoffice address? A Muskogee.  
Q Do you get your mail at Muskogee? A Yes, sir.  
Q Have you a child named Sammie Jamison? A Yes.  
Q When was he born? A In February.  
Q What year? A 1900, I think.  
Q What day of the month? A The 28th.  
Q Are you sure of that? A Yes, as far as I recollect.  
Q How do you remember that? A He was born when they first begun taking up land.  
Q Do you know when the land office opened in Muskogee? A Yes.  
Q They had a big day? A I guess so; I know when that was.  
Q Was your child Sammie born at that time? A I do not know whether he was or not.  
Q When you heard them talking about the land office opening was Sammie born then? A I do not know; I was here along the first year they opened up.  
Q When did Sammie die? A October, 1901.  
Q How do you know? A I know that because it was put it down.  
Q Who put it down? A I did.  
Q Where is that record now? A At home.  
Q Why did you not bring it with you? A I did not know I needed it.  
Q When did you write that down? A When he died.  
Q The same day he died? A Yes.  
Q Did you write it with a pen or pencil? A Pencil.  
Q In what kind of a book did you write that? A Just on a little piece of paper.  
Q For did you record it--in what words? A I just put his name down.  
Q Can you tell just how you wrote it? A I wrote Sammie Jamison died in October.  
Q Did you put the year down? A Yes, 1901.  
Q Is that all you wrote? A Yes.  
Q That is all that appears on that paper is it, just those words? A Yes.  
Q Did you write down the date of Sammie's birth? A It is there in a testament.  
Q Did you ever bring that in here? A No.  
Q What kind of a testament? A Just a small testament.  
Q Did you write it? A Yes.  
Q With a pen or pencil? A Pencil.  
Q What kind of a pencil, black, blue or what? A Just a black pencil.  
Q That appears about the birth--how did you word that? A Sammie Jamison born in the year of 1900, February 28.  
Q Is that all you wrote down? A Yes.  
Q When did you write that down--at the time of the birth of that child? A A few days afterwards.  
Q Did you recollect the date of the birth of Sammie that was written in that testament when you made out the affidavit? A No, because I did not know I needed it.  
Q What month do you think that Sammie was born in now? A February.  
Q Are you sure of that? A Yes.  
Q You are sure February is in that testament you have at home? A Yes.  
Q Are you sure you wrote 1900? A Yes, sir, I know I did.  
Q Do you recollect a Notary Public, E. M. Sherum? A No answer.  
Q Do you remember going before him and making out an affidavit? A No answer.  
Q In that affidavit what was put down about the birth of that child? A I don't know.  
Q This affidavit was made out on August 30, 1904 and signed by you (pointing to signature), is that yours? A Yes.  
Q Did you write that? A Yes.  
Q In this you said that Sammie was born on June 28, 1900? A I made a mistake; I went back and looked at it.  
Q Can you read? A A little.  
Q Can you write? A Not very much---a little.



Sammie Jameson...44.

- Q Jennie was the one born in January and Sammie was born in February, is that right? A No answer.
- Q Which was born first Jennie or Sammie? A Sammie.
- Q Were they both born in the same year? A In the same year?
- Q Yes? A No.
- Q How old did Sammie live to be? From January----from February. He lived from February up to October.
- Q Was he alive when Jennie was born? A No.
- Q When was Jennie Jameson born? A Born---I do not know, I might be mistaken about that like was about this.
- Q Is the date of Jennie's birth in that bible that Sammie's is in? A Sammie---yes.
- Q They are both written there? A Yes.
- Q Which is written first? A Sammie's.
- Q Does Jennie's follow? A Yes.
- Q Are there any other names in that bible? A No, just those two.
- Q There is just simply an entry about their birth? A Yes.
- Q Are you sure that Sammie was dead when Jennie was born? A Yes, but not very long before she was born.
- Q Was Sammie dead a year before Jennie was born? A I never went to the burying.
- Q I did not ask if you went to the graveyard---but had he been dead a year when Jennie was born? A No answer.
- Q You ought to remember when your child was born ought you not? A Yes.
- Q You testified as to a date? A No answer.
- Q You are under oath now remember, and you were when you testified before in this case (Witness is shown an affidavit in the matter of the ~~unraidment~~ enrollment of Jennie Jameson) Do you remember that? A Yes.
- Q In that affidavit you stated positively that your child was born January 23, 1901, and in the affidavit of this case, which you have admitted to have signed, you swore positively that Sammie died in October 1901,---you do not have to go to a funeral to remember a date, necessarily---how long before the birth of Jennie did Sammie die? A No answer.
- Q Do you remember how long your child, Sammie, had been dead before Jennie was born? A No.
- Q You do not remember? A No.
- Q Was it a year? A No.
- Q Was it six months? A No.
- Q Was it four months? A I do not know.
- Q Are you sure it was as much as a week? A No answer.
- Q Why do you not answer---was it as much as a week from the time Sammie died until Jennie was born? A I do not know.
- Q In your testimony---your original application---the following questions were asked August 3, 1901:
- Q "Have you a child named Jennie? A Yes, sir.
- Q Which is the oldest, Sammie or Jennie? A Sammie is the oldest.
- Q How much older? A Not so very much.
- Q To the best of your knowledge? A About nine months older, I think.
- Q Was Jennie born before Sammie died or after? A Yes, sir, born before he died.
- Q Was Sammie living when Jennie was born? A Yes sir."
- Q Now, how do you reconcile the statement you made then with the one you make now? A No answer.
- Q Did you make a mistake then, or are you now mistaken or telling it wrong? A The way I told it first is the way it was.

Witness is advised, and her attorney, who is present, that the Commission requires the piece of paper on which



Sammie Jameson...#5.

is written the date of the death of Sammie, and the testament containing the dates of the birth of Sammie and Jennie to be produced before the Commission by her, in person.

- Q How many days did your child Sammie live? A How many days?  
Q Yes, how many days, weeks or months---as near as you can come at it,,,did Sammie live? A He lived from February up until October.  
Q Do you positively state that Sammie lived from February up until October? A Yes, sir.  
Q Does Lewis Jameson know how long he lived? A He worked off from home.  
Q If Lewis said that he lived only a few days was he wrong? A He was not there.  
Q How long was he there during the life of Sammie? A Off and on.  
Q Did he ever see that child when it was as much as two months old? A Yes, off and on he would see it.  
Q Did he ever see that child when it was as much as six months old? A I guess so--off and on.  
Q I will tell you now--from February until October is at least seven months--you stated that he lived that long---did Lewis, who you claim is the father of the child, ever see it when it was as much as four months old, and living? A Yes, he seed it.

Witness and Attorney for applicant is advised that it will be necessary to have Lewis Jameson appear before the Commission for the purpose of being examined under oath.

Zera Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Zera Ellen Parrish

Subscribed and sworn  
to before me this 24th day  
of March, 1905.

Edw. J. Sweeney  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
Muskege, Indian Territory, February 10, 1906.

In the matter of the application for the enrollment of  
Sammie Jameson, deceased, as a citizen of the Creek Nation.

LEWIS JAMESON, being duly sworn, testified as follows:

Q What is your name? A Lewis Jameson.  
Q What is your age? A I don't know; I am pretty old but how old I don't know.  
Q What is your post office address? A Haynes.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q What is the name of your father? A Hose Jameson.  
Q What is the name of your mother? A Mary Jameson; she is married now and her name is Thursday.  
Q Have you filed on your land? A Yes, sir.  
Q Do you remember when that was? No, sir.  
Q Been a long time ago? A Yes, sir. I filed on my land before I filed on my little girl's.  
Q How many children have you? A Two.  
Q What is the name of the mother? A Lula.  
Q The mother of both of them? A Yes, sir.  
Q Were you married to her when you had both of the children? Yes  
Q Are you married to her now? A No, sir.  
Q What is the name of the eldest of these two children? A Sammie.  
Q Are you sure of that? A Yes, sir.  
Q How much older is Sammie than Jennie? A I think about a year, lets see had begun picking cotton long in the fall when Sammie was born and I don't exactly know when Jennie was born; I knew we was fixing the ground to work but I don't know what the month was she was born.  
Q Were you still living with Lula at the time both of these children were born? A Yes, sir.  
Q Is Jennie living? A Yes, sir.  
Q How old was Jennie when you separated from Lula? A About three years old I guess. She was walking and talking.  
Q When did you separate from Lula? A Three years ago I guess it was.  
Q Are you sure the boy was born first? A Yes, sir.  
Q Is Sammie living? A No, sir he's dead.  
Q How old was he when he died? A I don't think he lived over a day in my judgment.  
Q Wouldn't you know? A I was right there but it has been so long I don't remember. He was born on a Saturday morning and he died on a Sunday morning as far as I recollect.  
Q And when was he buried? A Buried that same Sunday.  
Q What did you come in here today for? A I came in here to tell you that woman was sick and couldn't come; I seen her and she was sick.  
Q Were you present when Sammie was born? A Yes, sir.  
Q Were you present when he died? A Yes, sir.  
Q Can you swear he didn't live as long as a week? A I can swear he didn't live as long as a week.  
Q When was he born? A In the fall.  
Q Are you sure he was born in the fall? A Yes it was fall; we was picking cotton.  
Q You are sure he didn't live a week? A Yes, sir.

Q And you are sure he wasn't living when Jennie was born? A Yes, sir.  
Q Did you know that Lula Jansson testified that child was born in January 1900 and that it died in October 1901? A I didn't know that.  
Q Is that true? A No, sir that is a lie, I know that's a lie.  
Q Why do you think she testified that way? A I don't know. I guess she thought she was telling the truth. I know it didn't live a year.  
Q You said it didn't live a week? A It didn't live a week.  
Q You are right sure when it was born and when it died? A Yes, sir because I went for the midwife.  
Q Did you go for an undertaker? A No sir it was too small. I took it in my arms and I and Mr. Wirth buried it.  
Q Where does he live? A He is kind of a doctor and I don't know where he is now. He went off some where.  
Q You and he just took it in your arms, didn't you make any kind of a box? A I went to my father and he made a box.  
Q And it was so young you didn't have an undertaker? A No, sir.  
Q You never pick cotton before the fourth of August? A No, sir we are working it then. We pick it in the fall.  
Q And you are sure this child Sammie was born in the fall and lived but a day? A I know it didn't live a week.  
Q Did it live until Christmas of that fall? A No, sir.  
Q Could your child Jennie walk and talk when you separated from this woman? A Yes, sir.  
Q Are you sure of that? A Yes, sir.  
Q Do you know for a fact that this child Jennie never saw Sammie? A She never did see him.  
Q Will you tell your father to come in here and testify about this child? A Yes, sir.

I, Anna Garrigue, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

*Anna Garrigue*

Subscribed and sworn to  
before me this 13 day of February 1906.

*J. M. Dermott*  
Notary Public.

J. H. B.  
En. 687

Muskogee, Indian Territory, November 30, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

A copy of the testimony in the matter of the application for the enrollment of Sammie Jameson, deceased, as a Creek Freedman, is inclosed.

The Creek Nation will be allowed a reasonable time within which to submit evidence in the case.

Respectfully,

Commissioner in Charge.

WCH-1-11-30.

COMMISSIONERS:  
TAMM BERRY,  
THOMAS S. HENNING,  
C. E. BRACKENRIDGE.  
WM. G. BEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

7254

REPORT IN REPLY TO THE COMMISSIONER
Creek No 687

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 18, 1908.

Lula Jameson,

Muskogee, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of your minor child, Sammie Jameson (deceased), you are advised that the Commission desires further evidence relative to the dates of birth and death of said child.

You will be allowed thirty days from the date hereof within which to bring before the Commission, at its office, in Muskogee, Indian Territory, two witnesses, who know the dates of the birth and death of said Sammie Jameson, for the purpose of being examined under oath.

At the same time and place the Commission desires you to introduce the testimony of Lewis Jameson, the alleged father of said Sammie Jameson.

Respectfully,



Chairman.

Registered.

Dr. 2a. 009

Washago, Indian Territory, January 28, 1907.

Lewis Jameson,

Maynes, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Lewis Jameson, deceased, as a Creek freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.

Inc. CM-28-4.

Cr.En.687

Muskogee, Indian Territory, January 28, 1907.

A. S. McRea,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Sammie Jameson, deceased, as a Creek freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Inc. CM-28-5



Cr. En. 687

Muskogee, Indian Territory, January 26, 1907.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Sammie Jameson, deceased, as a Creek freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Ino. OM-28-6

OF. No. 667

Mustang, Indian Territory, January 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Lennie Jameson, addenda, as a Creek freedman, including the decision of the Commissioner dated January 24, 1907.

Very respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

Inc. OM-28-7

L.K.P.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Sammie Jameson as a Creek freedman.

DECISION.

The record in this case shows that on August 23, 1904, Lula Jameson appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of her deceased son, Sammie Jameson, as a Creek freedman. Further proceedings in the matter of said application were had on February 24, 1905, March 22, 1905 and February 10, 1906.

The evidence in the case shows that the applicant was the child of Lewis Jameson, whose name appears upon the partial roll of Creek freedmen, approved by the Secretary of the Interior, March 28, 1902, opposite number 3988 thereof, and of Lula Jameson, a non-citizen.

There is great conflict in the evidence in regard to the dates of birth and death of the applicant. Of the three witnesses the testimony of the mother, Lula Jameson, and the mid-wife, Relia Hawkins, is extremely uncertain and contradictory, and from it it could be only adduced that the child had lived from seven months to a year and a half. The testimony of the father, Lewis Jameson, on the contrary is more satisfactory and definite, and is corroborated by the records of this office, and it is believed that the greater weight should be given to his testimony, which is to the effect that the child was born in the fall either of 1899 or 1900, and lived less than a week. If the child was born in the fall of the year and lived but a week, it is immaterial whether it was born in the year 1899 or 1900.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of Sammie Jameson as a Creek freedman, and the application for his enrollment as such is accordingly denied.

\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,

JAN 24 1907

DLM  
OK

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, February 25, 1907

I.T.D.4284-1907

LRS

Direct

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

January 28, 1907, you transmitted the record in the matter of the application for the enrollment of Sammie Jameson, Deceased as a Creek Freedman, together with your decision, dated January 24, 1907, denying the application.

Reporting February 19, 1907 (Land 10243-1907), the Indian Office recommends that your decision be approved. A copy of its letter is enclosed. Your decision is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson  
Assistant Secretary

1 inc and 2 inc for Ind Of

Refer in reply to the following  
Land  
10243-1907

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON, February 1910

COPY

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 28, 1907, enclosing the record of proceedings in the matter of the application for the enrollment of Sammie Jameson, deceased, as a Creek Freedman, including the decision of the Commissioner dated January 24, 1907, denying the application.

The record shows that on August 23, 1904, Lula Jameson appeared before the Commission to the Five Civilized Tribes at Muskogee, I.T. and made application for the enrollment of her deceased son, Sammie Jameson, as a Creek freedman.

Testimony was taken in the matter of this application on February 24 and March 22, 1905, and February 10, 1906. The evidence shows that the applicant was the child of Lewis Jameson whose name appears on a partial roll of Creek freedmen approved by the Department March 28, 1902, opposite No. 3988, and of Lula Jameson, a non citizen.

The evidence in regard to the dates of the birth and death of this applicant is conflicting and unsatisfactory. It appears from the principal witness that the child had lived from seven

months to a year and a half. The testimony of Lewis Jameson, the father, however, is more satisfactory and definite, and is corroborated by the records in the office of the Commissioner and is to the effect that the child was born in the Fall of 1899 or 1900 and lived less than a week. If it was born in the Fall of the year and lived but a week, it is immaterial whether it was born in the year 1899 or 1900.

The Office is therefore of the opinion that the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Sammie Jameson as a Creek freedman, for the reason that there is no authority of law for his enrollment, is correct, and it is recommended that it be affirmed.

Very respectfully,

C.F. Larrabee

Acting Commissioner

MWN RD

JWH

Cr. En. 687

Muskogee, Indian Territory, March 7, 1907.

Lewis Jameson,

Haynes, Indian Territory.

Dear Sir :--

You are hereby advised that under date of February 25, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Sammie Jameson, deceased, as a Creek freedman.

Respectfully,

Commissioner.



CR EN 688

CR EN 688

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 25, 1904.

In the matter of the application for the enrollment of Lillie, Maggie, Beulah, Milton, Rollie and Robbie May Portwood as Creek Freedmen.

APPEARANCES: M. L. Mott, attorney for Creek Nation.  
Wolfenberger & Jenkins attorney for applicants.

Lillie Portwood, being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lillie Portwood.  
Q How old are you? A 45.  
Q What is your post office address? A Beggs.  
Q Do you make application for enrollment as a citizen of the Creek Nation? A Yes sir.  
Q By blood or as a Freedman? A Freedman.  
Q Have you some children for whom you wish to apply? A Yes sir.  
Q What is the name of the eldest? A Maggie Portwood.  
Q How old is she? A 16.  
Q Next? A Beulah Portwood.  
Q How old? A 14.  
Q Next? A Milton Portwood.  
Q How old is he? A 12.  
Q Next? A Rollie Portwood.  
Q How old? A 9.  
Q Next? A Robbie May Portwood; 6.  
Q Is that a girl? A Yes sir.  
Q Is that all the children that are under age? A Yes sir.  
Q Are these children all living? A Yes sir.  
Q Living with you? A Yes sir.  
Q What is the name of their father? A Sam Portwood.  
Q Is he living or dead? A Living.  
Q Do you claim he has any rights in the Creek Nation? A He hasn't any.  
Q State man, is he? A Yes sir.  
Q Where do you live now? A Out at Beggs.  
Q In the Creek Nation? A Yes sir.  
Q How long have you lived in the Creek Nation? A I have been here for several years.  
Q About, how long? A About 17 years.  
Q Where did you come from? A Texas.  
Q How long did you live in Texas? A I don't know; I went from here to Texas in 1884.  
Q Where were you born? A In the Creek Nation.  
Q Then you say you went to Texas in '64? A Yes sir.  
Q How long did you remain in Texas? A I guess 16 or 17 years.  
Q Now, as I understand you, you went to Texas in '64 and remained there about 16 or 17 years, is that correct? A As well as I can recollect; I was small.  
Q Did you then come to the Creek Nation? A Yes sir.  
Q How long did you remain in the Creek Nation? A Been here ever since

- Q Did you ever draw any money from the Creek Nation? A No sir.
- Q Was any money ever drawn for any of these children in the Creek Nation? A No sir. ~~xxxxxx~~
- Q Was you ever admitted to citizenship in the Creek Nation? A No sir.
- Q Were any of these children admitted to citizenship in the Creek Nation? A No sir.
- Q Did you ever make application to any authority for citizenship in the Creek Nation? A No sir.
- Q Never went to the Council or any Commission? A No sir, never went anywhere.
- Q How long has your name been Portwood? A About 16 or 17 years.
- Q What was your name before it was Portwood? A Hardin.
- Q Have you been married more than once? A Yes sir.
- Q What was your name before it was Hardin? A Sneed.
- Q What is the name of your father? A Stanford Sneed.
- Q Is he living or dead? A Living.
- Q Do you claim he has any right in the Creek Nation? A No sir.
- Q What is the name of your mother? A Caroline Sneed.
- Q Is she living? A Yes sir.
- Q You wish to make application for her enrollment as a Creek Freedman? A Yes sir.
- Q What is the reason she is not present to make application for herself? A In bad health.
- Q Unable to make application on account of sickness? A Yes sir.
- Q How old is she? A I think she claims to be 62 or 63.
- Q Does she live in the Creek Nation? A Yes sir.
- Q What is her post office address? A Peggs.
- Q How long has she lived in the Creek Nation? A A long time.
- Q Did she come here when you did? A Yes sir, all come together.
- Q Did she live in Texas the same length of time you did? A Yes sir.
- Q Was she a slave of a Creek citizen? A Yes sir.
- Q What was the name of her owner? A Athle Martha.
- Q Were you the slave of the same person? A Yes sir.
- Q Was she gone by the name of Sneed ever since you have known her? A Yes.
- Q Did you ever hear her called anything but Caroline? A No sir.

The Dunn Roll examined and the name of Caroline Sneed not found thereon; the Dunn Roll further examined and Lillie Portwood not identified thereon by any of the names by which she has been known.

Q Do you know whether your mother ever drew any money from the Creek Nation? A No sir, she never that I know of.

The proceedings of this Commission under the act of June 10, 1896 examined and that does not appear that any application was ever made to said commission under said act for citizenship in the Creek Nation for any of the persons embraced in this application. The records of the Colbert Commission in the possession of the Commission examined and it does not appear that application was made to said commission for citizenship in the Creek Nation for any of the applicants embraced in this application.

Examination by Mr. Jenkins:

Q I just want to call your attention, Mrs. Portwood to a statement in regard to the dates; do you know when your mother came to the Creek Nation? What year? That is when she first came? A In the year 1864.

Q You just now testified that she went to Texas in '64; is that true?  
 Or not? Or is it a mistake on your part? A Yes sir.  
 Q You got your dates mixed? A Yes sir.  
 Q She came here then in '64? A Yes sir.  
 Q Was a slave of Athia Martha? A Yes sir.  
 Q How long did she live here and when did she leave the Creek Nation?  
 A She stayed here until the year of 1872.  
 Q Was that when you went to Texas, you and your mother? A Yes sir.  
 Q Then how long was you in Texas before you moved back here to the Na-  
 tion? A I came back here in 1889.  
 Q Now these are the correct dates, are they, and these other dates were  
 a mistake on your part? A Yes sir; I can't count much with figures and  
 I am no scholar at all.

Examination by Mr. Wolfenberger:

Q You say you know Caroline Sneed? A Yes sir.  
 Q What relation is she to you? A My mother.  
 Q Do you know Mrs. Emma King? A Yes sir.  
 Q What relation is she to you? A My sister.  
 Q Do you know whether she has ever been before the Dawes Commission or  
 not, Emma King? A Yes sir.  
 Q Do you know what became of her application? A She was enrolled.  
 Q How was Mrs. King, when you saw her, living in the Creek Nation? A  
 Yes sir.  
 Q Did you all leave in '72 and go to Texas together? A Yes sir.  
 Q Did you all come back in 1889, all together? A Yes sir.  
 Q All been living here since that time? A Yes sir.  
 Q Do you know Mrs. Hannah Powell? A Yes sir.  
 Q What relation does she bear to you and Mrs. Sneed? A Her daughter  
 and my sister.  
 Q Where is she living now? A In the Creek Nation.  
 Q She came back when you and Mrs. Sneed did? A Yes sir.  
 Q Got any brothers? A Yes sir.  
 Q What are their names? A Dave Sneed.  
 Q Were they slave during the war too? A There are born since the war.  
 Q Was Mrs. King a slave during the war? A Yes sir.  
 Q Was Mrs. Powell? A Yes sir.  
 Q Where is Dave Sneed living now? A Up near Beggs.  
 Q Where was he born? A He was born in Texas.  
 Q He came back here with your mother, did he? A Yes sir.  
 Q Where is Mrs. Caroline Sneed now? A Up about 6 miles or Beggs.  
 Q She is your mother? A Yes sir.  
 Q She was a slave during the war? A Yes sir.  
 Q Lived here in '64 and left here in '72? A Yes sir.

Examination by the Commission:

Q Were you taken out of the Creek Nation during the war, you and your  
 mother? A Yes sir.  
 Q Where were you taken to? A Texas.  
 Q Did you come back here after the war? A Yes sir we came back after  
 the war; I was small.  
 Q When you went to Texas during the war, did you come back here during  
 the war or did you wait after the war to come back? A Came back after  
 the war.  
 Q How long after the war? A I don't know how long.  
 Q How old were you when you came back here? Were you grown? A About  
 grown; I was a good big girl; I wasn't grown.  
 Q Somewhere near grown? A Yes sir.  
 Q That was the first time you came back here after the war, was it?  
 A Yes sir.

Q Now, Portwood, I have understood that you have lived here all the way  
there, that you were a child in - A Yes sir.  
Q From then you lived here until - A Yes sir.  
Q And you and your mother were together - A Yes sir.  
Q And you remained in there until -

By Mr. WALKER: 1000.

Q Then did you leave the Greek Nation? A In 1941.  
Q How long did you stay there? A About a year.  
Q How long were you in 1941? A No, you're mistaken. I never figured mixed up.  
Q You saw you and your mother was here in 1941? A Yes, sir.  
Q When you left, did you see your father there in 1941? A Yes, sir.  
Q And you ever left the Nation before that time? A No, sir.  
Q You lived here in 1941, and left here in 1942?

9. While you taken out of hope during the war, remember that you are  
under oath.

Q DO YOU REMEMBER WHAT DAY THE WAR WAS? A NO SIR.

Q Now you remember the years a I can remember a little about the war, I was you taken out of the school during the war a I don't remember who was it was during the war or before or since the war, where were you when the war started a I don't know just where I was where were you when the war started a I don't know just where I was you don't know where you were a No, when it comes to counting on fingers.

Q It don't take my fingers is tell where you were during the war is you were old enough you didn't you didn't know where you were during the war a I think I was old enough to go to school but I was not at my time during the war, where were you? a I think I must have been here.

Q What you taken to Texas during the war a Yes sir.

Q What you remember is that you didn't that is a fact, that you was taken to Texas during the war but you taken to Texas during that war a I was taken to Texas during the war.

Q How old were you when you in Texas before you were arrested a Yes sir.



Q You were there before you were gornw; you are positive of that, are you? A Yes sir.

Q Now about how old were you when you were brought back here; you stated a while ago that you were about gornw when you were brought back here; is that true or not? A I was somewhere about 10 or 11 years old or 12.

Q By Mr. Jenkins:

Q Do you know how long you lived here in the Nation before you went out? The number of years you lived here? A I think about 17 years.

Examination by Mr. Mott:

Q Who went out of the nation with you when you went? A My mother and my sisters.

Q Mother and sisters? A Yes sir.

Q How did you go? In a wagon? A Yes sir.

Q Wasn't there anybody but your mother and sister along? Wasn't there a man along? A Yes sir, there was some men.

Q What did you go for? How come you to go? Did you hear them say or do you remember? A No sir, I don't remember anything about that part.

Q Were there many people going about that time, or not? A I don't recollect; I knew there wasn't very many in the crowd we were in.

Q Were there many people leaving the Territory about that time? A I don't remember.

Q When was the first time you remember distinctly about anything? Where were you then at you can recollect distinctly? Anything you can remember well? Where were you then, in Indian Territory, or Texas? A In Texas.

Q When was that? What year? A I don't know sir, what year.

Q Well, in '70, how old were you? What year were you born in, do you know? A No sir.

Q You say you are 48? A Yes sir.

Q Well, 48 from 1904-you were born then in what year? Well, if you were born in '56, in '64 you would be 8 years old nearly. A Yes sir.

Q Well, in '75, you would be 16 years old; where were you then? A We were here.

Q In the Indian Territory? A In this territory.

Q In the Indian Territory in '75? A Yes sir.

Q Had you come back here then? A Yes sir; come back in '72 I think.

Q You came back then in '75? A I get mixed up when I begin to talk about numbers.

Q Did you go out of the territory any more than one time? A Yes sir, I have been out more than once.

Q Did you come back here more than one time? A Well, I have been out since I have been married.

Q Well, when did you come back to the Territory? A The first time?

Q Yes. A In '72.

Q You went out then, and came back in '72? A Yes sir.

Q You went out in '64 and came back in '72, is that right? A Yes sir.

Q When you came back in '72 did you go back to Texas again? A No sir, I haven't been back to Texas to stay no time.

Q Have you been here ever since '72? A Yes sir.

Q How long had you been out of the Territory when you came back here in '72? A 6 or 7 years as well as I can recollect.

By the Commission:

- Q How old is your eldest child that you have had? A I guess my eldest child if he was living would be about 27 I guess.
- Q Where were you married first? In Texas or the Creek Nation or where? A In Texas.
- Q How old were you when you were married? A 14.
- Q After you left the Creek Nation during the war, did you come back here before you were married or after? A After.
- Q You were not back here until after you were married? A No sir.

By Mr. Wolfenberger:

- Q You came back here in '72? A Yes sir.
- Q You stated to me that you went out in '72; you stated to the court here that you was living in '64 here and came back in '72; now you state to Mr. Nott here that you came back in '72; which is true? Did you go out in '72 with your mother or did you come back in '72? A Came back in '72.
- Q You didn't go out in '72 then, but you came back in '72 is that correct? A Yes sir.
- Q When did you leave the nation before that; or did you leave at all? A I didn't leave at all.
- Q Do I understand you to say now that you didn't leave the nation until '72; I can't understand you. A I am ~~mistaken~~ mixed.
- In the matter of the application for the enrollment of Hannah, Mattie, Maggie and Floyd Powell, as Creek Freedmen; Hannah Powell being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Hannah Powell.
- Q How old are you? A 48 years old.
- Q What is your post office address? A Beggs.
- Q Do you make application for enrollment as a Creek Freedman? A Yes sir.
- Q Have you some children for whom you wish to apply? A Yes sir.
- Q What is the name of the eldest child under age? A Mattie Powell.
- Q How old is she? A 13 years old.
- Q Next? A Maggie Powell.
- Q How old? A She's in her 12th year.
- Q Next? A Floyd Powell.
- Q How old? A 9 years old.
- Q Is that all? A Yes sir.
- Q Are these children all living? A Yes sir.
- Q What is the name of their father? A Charley Powell.
- Q Is he living? A Yes sir.
- Q Do you make any claim he is entitled to rights in the Creek Nation? A No sir.
- Q State man, is he? A Yes sir.
- Q Did you ever draw any money from the Creek Nation? A No sir.
- Q Did you ever make application to any authority to be admitted to citizenship in the Creek Nation? A No sir.
- Q Were you a slave during the war and before the war? A Yes sir.
- Q What was the name of your owner? A Athla Martha.
- Q Are you a full sister of the principal applicant, Mrs. Portwood? A Yes sir.
- Q Have the same father and mother? A Yes sir, as far as I know.
- Q Were you taken out of the Creek Nation during the war? A No sir, were not taken out during the war.



Q Did you go out during the war? A No sir, not as I know of. I was here in '64, and we went out in '72.  
 Q Were you living with your mother then? A Yes sir.  
 Q How long did you live with her? A Till I was grown.  
 Q Did you and your mother belong to the same person until the slaves were freed? A Yes sir.  
 Q You belonged to the same person? A I reckon so, I suppose so, I was with her.  
 Q Do you remember anything that occurred during the war? A No sir, not in particular.  
 Q Did you remain in the Creek Nation all during the war? A As I can remember.  
 Q Well, can't you remember, can't you state positively about that? You were a girl. A I can't state when the war commenced, I can't state during the war.  
 Q Where were you when the war closed? A Here in the Nation.  
 Q What part of the nation did you live in then? A Up at that time was Cat Fish settlements.  
 Q You know the nature of an oath, do you? A Yes sir.  
 Q You know the penalty that attaches for false swearing? A Yes sir.  
 Q Did you ever draw any money from the Creek Nation? A No sir.  
 Q Was money ever drawn for any of the children in the Creek Nation? A No sir.  
 Q Have-- if you had rights in the Creek Nation, why haven't you had them fixed up before? A I thought my mother should, and my father was a cripple.  
 Q Did you ever go to the Creek met. written to see about it? A No sir.  
 Q Have you ever been married more than once? A Yes sir.  
 Q What is the name of your first husband? A Jim King.  
 Q Have you been married more than twice? A No sir.  
 Q How long has your name been Powell? A I don't know just exactly.  
 Q As near as you can get at it? A About 16 or 17 years.  
 Q What town in the Creek Nation do you claim to belong to? (No answer.)  
 Q

The Dunn Roll examined and this applicant not identified.

Q Your first husband was named King, was he? A Yes sir.  
 Q Where did you marry him? A In Texas.  
 Q What is the name of your oldest child? A Corrin Thompson.  
 Q How old is she? A 28.  
 Q Did you ever have a child older than her? A No sir.  
 Q Where was she born? A In Texas.  
 Q How long had you been in Texas when she was born? A I was a full grown woman and I had three children when I came back here; I don't know just how old I was.  
 Q How long had you been in Texas when she was born? A About between 15 and 16 years.  
 Q When she was born? A Yes sir, as near as I can remember.  
 Q When did you first go to Texas? A Went there in '72.

Examination by Mr. Wolfenberger:

Q Do you know Mrs. Caroline Speed? A Yes sir, she's my mother.  
 Q Do you know Mrs. Lillie Portwood? A Yes sir.  
 Q Is she your sister? A Yes sir.  
 Q Was she living with you and your mother when you went to Texas? A Yes sir.  
 Q All went together? A Yes sir, and came back here about the same time.  
 Q You all came back together? A Yes sir.  
 Q Remember when you came back? A Yes sir, in '72.

Q What is your brother's name? A Which one?  
 Q Get one by the name of Dave? A Yes sir.  
 Q Where was he at that time? A He was in Texas.  
 Q Do you know whether he was born in Texas or the Creek Nation?  
 A I don't remember which one was born in Texas.  
 Q He came back with you, did he? A Yes sir.  
 Q Where has he been living since he came back? A In the Creek Nation  
 near----  
 Q Where has Dave been living since he came back to the Creek Na-  
 tion? A Out at Boggs.  
 Q Has he been living in the Creek Nation ever since he came back?  
 A Yes sir.  
 Q What is his home? A Yes sir.  
 Q You know Mrs. King? A Yes sir.  
 Q What is her name? A Emily King.  
 Q What relation does she bear to you? A My sister.  
 Q Is she older or younger than you? A Older.  
 Q Where does she live? A Near Boggs.  
 Q Did she go out to Texas with you when you went to Texas? A Yes sir.  
 Q Do you know whether or not she has ever been before the Dawes Commis-  
 sion? A Yes, she was.  
 Q Do you know what became of her case? A I suppose she was enrolled.  
 Q I am asking you if you know? A No more than that.  
 Q Did she ever tell you if she was enrolled? A Yes sir.

By the Commission:

The records of the Commission show that Emily King is listed for  
 enrollment on Creek Freedman and Field No. 94, approved roll No. 159,  
 that she was admitted to citizenship in the Creek Nation by the Commis-  
 sion to the Five Civilized Tribes under the act of June 10, 1896, and  
 an appeal was taken in the United States Court in Indian Territory, and  
 the judgment of the Commission sustained.

By Mr. Wolfenbarger:

Q Have you any other brothers besides Dave? A Yes sir, Robert.  
 Q Robert Reed? A Yes sir.  
 Q Do you know how old he is? A I think he is 42; if I am not mistaken.  
 Q Do you know where he is? A Yes sir.  
 Q Is he your brother or sister or son? A No more than Emily King.  
 Q Do you know where Mrs. Reed is now? A Yes sir.  
 Q Where is Caroline Reed? A She's up at Boggs place.  
 Q What position is she in now? A She's in poor condition; she's sick.  
 Q Is she able to get out? A No sir.  
 Q Do you know what the disease is? A No sir.  
 Q She is your mother? A Yes sir.

By Mr. Foxworth:

Q Have you a brother by the name of Lafayette Reed? A No sir, I  
 don't.  
 Q Have you a brother living up near Wagoner? A Yes sir, we call him  
 Robert.

By Mr. Hall:

Q Did you say you are a sister of Emily King? A Yes sir.

Q Have you and Emily got the same father? A I can't tell you that; I don't think we are though.  
Q You have the same mother but not the same father? A Yes sir.

In the matter of the application for the enrollment of Dave, Nelsi, Mayhew and Davy Lee Sneed as Creek Freedmen.

Dave Sneed being duly sworn to testified as follows:

Examination by the Commission:

Q What is your name? A Dave Sneed.  
Q How old are you? A About 40.  
Q What is your post office address? A Nepps.  
Q Do you make application for enrollment as a Creek Freedman? A Yes sir.  
Q Have you some children for whom you wish to apply? A Yes sir.  
Q What is the name of the oldest? A Nelsi Sneed.  
Q How old is he? A About 12.  
Q Next? A Mayhew Sneed.  
Q How old? A Going on 9.  
Q Next? A Davy Lee Sneed.  
Q How old? A She is between 5 and 6.  
Q Are these children alive and living with you? A Yes sir.  
Q What is the name of their mother? A Nellie Sneed.  
Q Is she living? A Yes sir.  
Q Do you claim she has any rights in the Creek Nation? A No sir.  
Q State woman, is she? A Yes sir.  
Q Where were you born? A In the nation here.  
Q In the Creek Nation? A Yes sir.  
Q Where were you when you can first remember? A I was in the Nation.  
Q About how old were you then according to your best judgment? A I don't know; some 6 or 7 years old.  
Q Do you remember anything about the war? A No sir.  
Q You remember nothing about that at all? A No sir.  
Q Do you now from family history? from hearing your mother talk about it, whether she was taken out of the Creek Nation during the war?  
A I don't believe I do.  
Q You don't know as to that? A No sir.  
Q Where were you when you can first remember? A In the Creek Nation.  
Q Did you ever leave the Creek Nation? A Yes sir; I have been out since I have been grown.  
Q Did you live with your mother until you were grown? A Yes sir.  
Q Did she go out of the nation before you were grown? A Dropped & I know now.  
Q Did you ever live in Texas? A I have been in Texas.  
Q Did you ever have your residence in Texas? A No sir.  
Q Did your mother ever have her residence in Texas since you can remember? A Yes, I believe she had.  
Q Were you with her? A No sir.  
Q Did you ever draw any money from the Creek Nation? A No sir.  
Q What's the reason you haven't tried to establish your rights before now? A Well, I haven't had no reply to it.  
Q Reply to what? A That.  
Q Did you ever go to the Creek people to get your claims fixed up?  
A No sir.  
Q Why? A I don't know.  
Q Did you ever come to this Commission before now about this? A No sir.



your mother; now you tell your attorney that you went out of Texas with your mother, that you did stay in Texas with your mother; which is correct? A Yes.

Q You went out with her and you didn't go out with her? A Yes sir.

Q Did you go out with her or not? A Yes sir.

Q Which did you do? A Went out with her.

Q When was that? A I don't know sir.

Q How old were you? A I don't know how old.

Q How big were you; do you remember when you went? A Yes sir, I remember a little.

Q Just after the war? A Yes sir.

Q How long after the war? A I don't know how long; I don't know how long it's been since the war.

Q Did you ever go to Texas more than once? A Yes sir.

Q How many times? A About twice.

Q Did you come back here when she came? A Yes sir.

Q You say you are a half brother of Emily King? A Yes sir.

Q Have the same mother? A Yes sir.

Q Have not the same father? A No sir.

In the matter of the application for the enrollment of Payette S., Estella, Pinkie, Effie Lillian and Minnie Belle Sneed as Creek Freedmen:

Payette S. Sneed being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Payette S. Sneed.

Q How old are you? A 41 my next birthday.

Q What is your post office address? A Wagoner. Indian Territory.

Q Where were you born? A In the Territory.

Q Where were you when you can first remember? A In Texas.

Q How old were you then? A Well, I can't just remember. When I can first remember?

Q Yes. A I can remember back till I was about 8 or 9 years old.

Q Do you make application to be enrolled as a Creek Freedman? A Yes sir.

Q Have you some children? A Yes sir.

Q What is the name of the oldest? A Estella Sneed.

Q How old? A She's 16.

Q Next? A Pinkie Sneed.

Q How old? A She's 15.

Q Next? A Effie Lillian. She's 10 years old.

Q Next? A Minnie Belle; she's 5.

Q Are these children all alive and living with you? A Yes sir.

Q What is the name of their mother? A Mary Sneed.

Q Do you claim that Mary has any rights in the Creek Nation? A Yes sir, I am married to her. No, she aint.

Q She is a state woman, is she? A Yes sir.

Q You say when you can first remember you were in Texas? A Yes sir.

Q Who was there with you? A My mother and father.

Q Who else? A Sister and brother.

Q What sisters and brothers were there with you? A One sister Emily and Hannah, Lilly and Robert and Dave.

Q How long did you remain in Texas after you can first remember? A I returned back to the Territory in '89 I think, as well as I can remember.

Q Is that the first time you came back to the Territory after you went to Texas? A Yes sir.



Q In '89? A Yes sir.  
 Q Did your mother come with you? A Yes sir.  
 Q And these others, brothers and sisters of yours? A Yes sir.  
 Q Were you a grown man then? A Yes sir.  
 Q What is the name of your mother? A Caroline Sneed.  
 Q What was the name of your father? A Stanford Sneed.  
 Q You claim the rights through your mother, do you? A Yes sir.  
 Q And not through your father? A No sir.  
 Q Did you ever draw any money from the Creek Nation? A No sir.  
 Q Was any money ever drawn for any of these children of yours from the Creek Nation? A No sir.  
 Q What's the reason you haven't applied for citizenship, if you had any rights here, before now? A I just couldn't get ready.  
 Q Well, you say you are 41 years old; you have had 40 years since you were a grown man. A Yes sir.  
 Q What town do you claim to belong to? A Now?  
 Q Yes? A Wagoner.  
 Q I understand you to say as far back as you can remember you was in Texas? A Yes sir.  
 Q You have been taught that you were born in the Creek Nation? A Yes sir.

#### Examination by Mr. Jenkins:

Q Well, do you remember when you moved to Texas? What year? A No sir.  
 Q You don't remember what year? A No sir.  
 Q You do remember what year you came back? A Yes sir.  
 Q I believe you stated that you knew Mrs. Emily King? A Yes sir.  
 Q She is your sister, is she? A Yes sir.  
 Q Mrs. Lillie Portwood, you know her? A Yes sir.  
 Q Is she your sister? A Yes sir.  
 Q And a daughter of Caroline Sneed? A Yes sir.  
 Q And Hannah Powell is your sister too? A Yes sir.  
 Q What is your brother's name? A Dave Sneed and Robert and Sam Sneed.  
 Q Dave Sneed has been here on the stand? A Yes sir.  
 Q Did he go to Texas when you did? A Yes sir. He was small too.  
 Q Is he older or younger than you? A Two years older.  
 Q Did he come back when you did? A Yes sir.  
 Q You all came back together did you, all your family? A Yes sir.  
 Q When did you say you came back? A In '84.

The Dunn roll examined and the principal applicants not identified thereon.

In the matter of the application for the enrollment of Georgia, James, Roland, and Hampton Thompson as Creek Freedmen:

Georgia Thompson being duly sworn testified as follows:

#### Examination by the Commissioner:

Q What is your name? A Georgia Thompson.  
 Q How old are you? A 28.  
 Q What is your post office address? A Now?  
 Q Do you make application for enrollment as a Creek Freedman? A Yes sir.  
 Q Have you some children for whom you wish to apply? A Yes sir.  
 Q What is the name of the oldest? A James Thompson.  
 Q How old is he? A 11.  
 Q Next? A Roland; he is 9.  
 Q Have you any more? A Hampton; 8.

Q Are these children all alive? A Yes sir.  
 Q What is the name of their father? A Hampton S. Thompson.  
 Q Do you claim he has any rights in the Creek Nation? A No sir.  
 Q He is a state man is he? A Yes sir.  
 Q Where were you born? A In Texas.  
 Q How long did you live in Texas after you were born? A I came back with my people in 1889.  
 Q You lived in Texas from the time you were born until 1889, is that right? A Yes sir.  
 Q Did you ever draw any money from the Creek Nation? A No sir.  
 Q Was any money ever drawn from the Creek Nation for any of these children? A No sir.  
 Q Have you been residing in the Creek Nation ever since 1889? A Part of the time; in and out.  
 Q How long have you been back here this last time? A I don't know.  
 Q Well, as near as you can come at it? A About 3 or 4 years.  
 Q Have you resided continuously in the Creek Nation for the last 3 or 4 years? A Not continuously; I stay a while and go back.  
 Q Where do you go? A Texas.  
 Q Have you a home in the Creek Nation? A No sir.  
 Q Have you a home in Texas? A No sir.  
 Q Have you a home anywhere? A I have a home with my mother.  
 Q Don't you keep house? A No sir, only just with her.  
 Q What do you do when you leave her and go to Texas? A I go out to work about 6 or 7 months.  
 Q About 6 or 7 months in each year? A Yes sir.  
 Q You stay there then as much as you do here? A No; not exactly.  
 Q Well, what is your best judgment? How much of each year do you spend in Texas and how much in Indian Territory? A About three or four months in Texas.  
 Q What is the name of your father? A Jim King.  
 Q Is he living or dead? A Dead.  
 Q How long has he been dead? A I don't know.  
 Q Do you claim he had any rights in the Creek Nation? A No sir.  
 Q He was a state man, was he? A Yes sir.  
 Q What is the name of your mother? A Hannah Powell.  
 Q The same person that just made application here for enrollment? A Yes sir.  
 Q Your rights if any you have come through your mother? A Yes sir.  
 Q And through your mother alone? A Yes sir.

Examination by the Commissioner Mr. Wolfenberger:

Q Are you a married lady? A Yes sir.  
 Q Where is your husband now? A He lives in Texas.  
 Q When was you married; how long have you been married? A I have been married since 1891.

Examination by Mr. Nett:

Q You and your husband separated? A No sir.  
 Q Does he live in Texas? A Yes sir.  
 Q Has he got a home there? A Yes sir.  
 Q Does he own a home there? A Yes sir.  
 Q Come property there that, does he? A No sir, a home.  
 Q You don't own any property in Indian Territory? A No sir, I don't own any.  
 Q You go to Texas to see your husband, do you? A Yes sir.  
 Q Stay with him while you are there? A Yes sir.



By the Commission:

Q Where are these children? A Left them with my mother.  
Q Did these children stay with you at the times you were away from their father, or did they sometimes stay with him? A Sometimes with him and sometimes with me.

In the matter of the application for the enrollment of Nanny Belle Hardin as a Creek Freedman:

Examination by the Commission:

Q What is your name? A Nanny Belle Hardin.  
Q How old are you? A Twenty.  
Q What is your post office address? A Beggs, I.T.  
Q Do you make application to be enrolled as a Creek Freedman? A Yes sir.  
Q Are you married? A No sir.  
Q Where do you live? A In Beggs.  
Q In the Creek Nation? A Yes sir.  
Q How long have you lived in the Creek Nation? A I don't know; I was small when I come here.  
Q Where were you born? A In Texas.  
Q How old were you when you came to the Creek Nation? A I don't know.  
Q Can you remember coming here? A Yes sir.  
Q What is the name of your father? A My father's dead.  
Q What was his name? A I think his name was Dink Hardin; I am not sure.  
Q Do you claim he had any rights in the Creek Nation? A Not that I know of.  
Q You understood he was a state man? A Yes sir.  
Q What is the name of your mother? A Lillie Portwood.  
Q That's the person who has just made application here, is it? A Yes sir.  
Q Did you ever draw any money from the Creek Nation? A No sir.  
Q Was any money ever drawn for you that you have ever heard of? A No sir.  
Q If you have any rights in the Creek Nation it comes through your mother, does it? A Yes, sir, I suppose so.

In the matter of the application for the enrollment of Len Hardin as a Creek Freedman:

Len Hardin being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Len Hardin.  
Q How old are you? A 22.  
Q What is your post office address? A Beggs.  
Q Do you make application to be enrolled as a Creek Freedman? A Yes sir.  
Q Where were you born? A In the nation.  
Q Do you mean in the Creek Nation? A Yes sir.  
Q Have you lived in the Creek Nation all your life? A Yes sir.  
Q Have you lived anywhere else? A I have been in and out.  
Q Have you ever lived anywhere else? A I lived in Texas.  
Q How long in Texas? A About a year.

Q When was that? A Two or three years ago.  
 Q Is that the only time you have ever lived out of the Creek Nation?  
 A Yes sir.  
 Q Did you ever draw any money from the Creek Nation? A No sir.  
 Q Was any money ever drawn for you from the Creek Nation that you know  
 of? A No sir.  
 Q What is the name of your father? A Dink Hardin.  
 Q Is he living or dead? A Dead.  
 Q Do you claim that he had any rights in the Creek Nation? A Yes sir.  
 Q You say he did? A I claim he did.  
 Q How long has he been dead? A Long time; I just can remember.  
 Q Are you a full sister of Nanny Hardin? A Yes sir.  
 Q Same father and mother? A Yes sir.  
 Q She said she claimed through her mother alone? A That's right.  
 Q Whom do you claim through? A My mother.  
 Q Do you claim through your mother alone? A Yes sir.  
 Q What is the name of your mother? A Lillie Portwood.

In the matter of the application for the enrollment of Raywood  
 Hardin as a Creek Freedman.

Raywood Hardin being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Raywood Hardin.  
 Q How old are you? A 24.  
 Q What is your post office address? A Beggs.  
 Q Do you make application to be enrolled as a Creek Freedman? A Yes sir.  
 Q Where were you born? A Texas.  
 Q Where do you reside now? A In the Creek Nation.  
 Q How long have you resided in the Creek Nation? A I have been out  
 once or twice to school; I don't know just how long it's been.  
 Q How long after you were born until you came to the Creek Nation?  
 A I don't know; I was quite small.  
 Q Do you remember it? A No sir, I don't hardly remember it; can't say  
 how long.  
 Q Has your home been in the Creek Nation ever since you came here from  
 Texas? A Ever since I have been grown; I have been quite a number of  
 places; been my home most of the time.  
 Q How long have you been here this last time? A 2 or 3 years.  
 Q What is the name of your father? A Dink Hardin.  
 Q He is dead, is he? A Yes sir.  
 Q Do you claim he had any rights in the Creek Nation? A I don't know.  
 Q You have never heard of any claim being made he had any rights? A No  
 sir, not on his side.  
 Q What is the name of your mother? A Lillie Portwood.  
 Q If you have any rights in the Creek Nation it comes through your  
 mother, does it? A Yes sir.  
 Q Through her alone? A My grandmother I suppose; I suppose so.  
 Q The grandmother you refer to is Caroline Good, is it? A Yes sir.  
 In matter of application of Horace King for enrollment as a Creek Freedman  
 Horace King being duly sworn testified as follows:  
 Examination by the Commission:

Q What is your name? A Horace King.  
 Q How old are you? A 24.  
 Q What is your post office address? A Beggs.

Q Do you make application to be enrolled as a Creek Freedman? A Yes sir.  
 Q What is the name of your father? A Jim King.  
 Q Is he living or dead? A Dead.  
 Q How long has he been dead? A Quite a while; I can't say exactly how long.  
 Q Do you claim he had any rights in the Creek Nation? A Not as I know of.  
 Q What is the name of your mother? A Hannah Powell.  
 Q You claim the right to enrollment through your mother, do you? A Yes sir. My mother and grandmother.  
 Q The grandmother you refer to was Caroline Sneed? A Yes sir.  
 Q Where were you born? A Texas.  
 Q How old were you when you came to the Creek Nation from Texas? A About 8 years old.  
 Q Have you lived in the Creek Nation ever since? A I haven't exactly lived here; I have been out here during the time I went to school.  
 Q That wouldn't lose your residence? A This has been my home ever since.  
 Q Have you ever drawn any money from the Creek Nation? A No sir.  
 Q Was any money ever drawn for you? A No sir.

David Berryhill being duly sworn, testified as follows in the above cases, as a witness:

Examination by the Commission:

Q What is your name? A David Berryhill.  
 Q How old are you? A I was 87 the 1st of this month.  
 Q What is your post office address? A Okmulgee.  
 Q You are a citizen of the Creek Nation by blood? A Yes sir.  
 Q How long have you lived in the Creek Nation? A Born and raised here.  
 Q Lived here all your life? A Yes sir.  
 Q What town do you belong to? A Tuckabathsee.

Examination by Mr. Jenkins:

Q Did you know Altha Martha? A Yes sir, Altha Martha.  
 Q Do you know Caroline Sneed? A Yes sir.  
 Q Do you know she was a slave of Altha Martha? A Yes sir.  
 Q Do you know when she came to this nation? When she first lived here?  
 A No sir, I don't know exactly but it was somewhere about '64; it was when they come from Kansas here.  
 Q Come from Kansas here in '64? A Yes sir.  
 Q Do you know about how long she lived here after that before she went away? And do you know anything about her going away to Texas? A No sir; I don't know when she went away; I know they were missing here for a while.  
 Q About what time? Did you see her here after the war any time? A Yes sir.  
 Q About how long, if you remember? A Somewhere about the 70's, when I saw her.  
 Q You saw her here up till about the '70's? A Yes sir.  
 Q Several years missing then? A Yes sir.  
 Q Do you remember when she came back? A No sir, I don't know the year they returned.  
 Q You are pretty well satisfied that she was up here till about the '70's? A Yes sir.  
 Q Do you know her children, acquainted with them? A Yes sir.  
 Q Do you know Lillie Porter? A Yes sir.  
 Q Do you know her to be her daughter? A Yes sir.  
 Q Do you know Hannah Powell? A Yes sir.

- Q You know her to be her daughter, too? A Yes sir.  
 Q Do you know Fayette Sneed? A Yes sir.  
 Q He is her son, is he? You know that to be a fact, do you? A Yes sir.  
 Q And you know Dave Sneed? A Yes sir.

By the Commission:

- Q Did you know Alfa Smarthia? A Yes sir.  
 Q What town did he belong to? A Arboka.  
 Q What town do you belong to? A Tuckabatchee.  
 Q Was this woman, Caroline Sneed, the slave of that man, Alfa Smarthia, when the slaves were freed? A Yes sir.  
 Q When did she go out of the nation? A I don't know.  
 Q I mean, did she go out during the war? A I expect she went up in Kansas.  
 Q How far did they live from you when they were freed? A After they were freed?  
 Q No; at the time they were freed? How far did this man, Smarthia, live from you? A About 80 miles right west.  
 Q Did you remain in the Creek Nation all during the war? A No sir, I was in Kansas.  
 Q What time did you go to Kansas? A In '61.  
 Q What time did you return to the Creek Nation? A About '64.  
 Q Did you see this woman, Caroline Sneed, in Kansas while you were there? A No sir, I didn't; we were divided; there was a sand band and I was in Pocahontas band, while Smarthia was in the Sand band; several miles apart.  
 Q To your knowledge of your own knowledge that these applicants, Caroline Sneed and others, were in Kansas during the war? A No sir, I can't tell whether they were in Kansas or not.  
 Q Do you remember what time it was in '64 you returned here; what time of the year? A I hardly remember what time of the year it was.  
 Q Was Caroline Sneed here when you returned? A They come to Ft. Gibson when we got there but where they were located during the war I don't know.  
 Q Did you return to Ft. Gibson? A Yes sir.  
 Q Were they there? A They come there with us.  
 Q From Kansas? A Yes sir.  
 Q How far did they settle from you after they got back, or do you know? A Well, they come over after peace was established near Arboka, while I moved down on Grand River.  
 Q How long after you separated from them at Ft. Gibson before you saw Caroline Sneed again? A It was about 8 or 9 years.  
 Q Where did you see her? A Right above Okmulgee.  
 Q Did you have any conversation with her at that time? A No sir.  
 Q None at all? A None at all.  
 Q Do you know whether or not she had been out of this country then or not? A I don't know; while I was in the Cherokee nation they might have gone out and returned; I don't know.  
 Q After that I believe you stated you understood that they did leave the Territory? A Yes sir.  
 Q That, I believe you stated was along in the '70's sometime? A Yes sir; I knew them up to the '70's and sometime after that I guess was when they left the Territory; where they went I don't know.  
 Q If they were entitled to any rights in the Creek Nation, Mr. Berryhill, can you give us any reason here, or any light on the subject, as to why their names are not on the Creek Roll? A I hardly know; I know several Creeks, their names are not on the roll and never will be; if they were lost I suppose they were lost the same way; perhaps these people's names is lost the same way.

(These applications are consolidated.)

An examination of the Dunn roll shows that none of the applicants are found thereon; an examination of the records of the Commission under the act of June 10, 1894 and of the Colbert Commission shows that application was never made for any of the applicants for admission to citizenship in the Creek Nation.

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Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in name.

*Henry G. Hains.*

Subscribed and sworn to before me this 26<sup>th</sup> day of September, 1904.

*H. M. Mathis.*  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 24, 1904.

In the matter of the application for the enrollment of Lillie  
Portwood et al., as Creek Freedmen.

( T. A. Jenkins, Atty. for applicants,  
APPEARANCES: )

THOMAS ADAMS, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Thomas Adams.  
Q How old are you? A Sixty.  
Q What is your post office address? A Okmulgee.  
Q Do you know Caroline Sneed? A Yes, sir.  
Q How long have you known her? A Seen her first time in 1864.  
Q Where did you see her? A Fort Gibson.  
Q Is that the first time you ever saw her? A Yes, sir.  
Q You don't know then whether she was the slave of a Creek citizen  
or not? A There was a man brought them there.  
Q Did you see him bring them there? A Yes, sir.  
Q What was that man's name? A Eppe Smartha.  
Q You don't know then whether she was the slave of that man or not?  
A He had been up in Kansas and brought them down with him.  
Q Were you ever in Kansas? A Yes, sir.  
Q Did they come back when you did? A Yes, sir.  
Q Did you know her after that time? A Seen her all the time until  
186---was here in the nation from '64 to '67 sometime.  
Q Then where did she go? A I don't know.  
Q Did you lose sight of her then? A Yes, sir.  
Q Did she have a family with her? A Had some children. Four or  
five.  
Q You lost sight of them then about '67? A Yes, sir.

By Mr. Jenkins:

Q You are a Creek citizen? A Yes, sir.  
Q What office are you holding in the Creek Nation? A I was Chief  
Justice of Creek Nation and belong to the upper house now.  
Q You were acquainted with Caroline Sneed in 1864? A Yes, sir.  
Q And you saw her here about two or three years after that? A Yes,  
sir.  
Q You lost sight of her then? A Yes, sir. Didn't see her any  
more.  
Q Have you any interest in this case? A Yes, sir.  
Q You say you don't know her children? A No.  
Q You knew that she had four or five children? A Yes, sir.

-----O:-----

HANNAH POWELL, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Hannah Powell.  
Q How old are you? A Forty-eight.  
Q What is your post office address? A Boggs.  
Q Who is it you want to apply for now? A Sam Sneed.  
Q As a Creek Freedman? A Yes, sir.  
Q Is he your brother? A Yes, sir.  
Q How old is he? A Thirty-three.  
Q What is his post office address? A Boggs.  
Q What is the reason he does not come and apply for himself? A  
is sick.

Lillie Portwood et al.,---2.

Hannah Powell witness:

By Commission:

Q How long has he been sick? A Been down ever since Christmas.  
Q Is he a full brother of yours? A Yes, sir.  
Q What is his mother's name? A Caroline Sneed.  
Q He claims through his mother does he? A Yes, sir.  
Q Through his mother alone? A Yes, sir.  
Q Has he lived with his mother all his life? A Sometimes he is gone.  
Q Has no family? A No, sir.  
Q Did he go with his mother when she went to Texas? A He was born in Texas.  
Q Did he come back here with his mother when she came back? A Yes, sir.  
Q How long has he been in the Creek Nation the last time? A He was here last year. He goes off and works and comes back.  
Q How long does he stay out when he goes out? A I don't know just exactly.  
Q Does he stay a year or two? A No, he don't stay that long.  
Q Where does he make his home? A At Beggs.  
Q Who with? A Sam King.  
Q Is Sam King any kin to him? A Brother-in-law.  
Q How long has he been making his home with Sam King? A Quite a bit. I don't know exactly.  
Q About how long? A About two years.  
Q Does Sam King live in the Creek Nation? A Yes, sir.  
Q How long has he been living in the Creek Nation? A I don't know.  
Q Very near all his life. His wife has a homestead there.  
Q Is wife is a citizen is she? A Yes, sir.  
Q Sam Sneed never drew any money from the Creek Nation did he? A Not as I know of.  
Q His status is just like the balance of the family? A Yes, sir.  
Q Just like the rest of them? A Yes, sir.

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I, Brennan C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

*Brennan C. Skaggs*

Subscribed and sworn to before me this 10 day of September, 1904.

*Edward J. Smith*  
Notary Public.



C. D.

M. 688.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Lillie Fortwood et al., as Creek Freedmen.

-1 SUPPLEMENTAL STATEMENT :-

Tribal rolls of the Creek Nation in the possession of the  
Commission examined and none of the applicants herein identified  
thereon.

Records of the proceedings of the Gelbert Commission ex-  
amined and it does not appear that the applicants herein, or any of  
them, ever made application to said Commission for admission to  
citizenship in the Creek Nation.

Records of the proceedings of the Commission to the Five  
Civilized Tribes under authority of the Act of Congress of June 10,  
1890, examined and it does not appear that the applicants herein,  
or any of them, ever made application to said Commission for ad-  
mission to citizenship in the Creek Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.

Punkogee, Indian Territory.  
October 20, 1904.

*S. D.*

En. 688.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Lillie, Maggie, Beulah, Milton, Rellie and Robbie May Portwood, and Hannah, Mattie, Maggie and Floyd Powell, and Dave, Boisi, Mayhew, Davy Lee, Fayette S., Estella, Pinkie, Effie Lillian, Minnie Belle and Caroline Sneed, and Georgia, James, Roland, and Hampton Thompson, and Nanny Belle, Lon and Haywood Hardin and Horace King and Sam Sneed as Creek Freedmen.

- I D E C I S I O N -

The record in this case shows that on August 23, 1904, Lillie Portwood, for herself and her five minor children, Maggie, Beulah, Milton, Rellie and Robbie May Portwood, and for her mother Caroline Sneed, Hannah Powell, for herself and her three minor children Mattie, Maggie, and Floyd Powell, Dave Sneed, for himself and his three minor children, Boisi, Mayhew and Davy Lee Sneed, Fayette S. Sneed, for himself and his four minor children, Estella, Pinkie, Effie Lillian and Minnie Belle Sneed, Georgia Thompson for herself and her three minor children, James, Roland and Hampton Thompson, Nanny Belle Hardin for herself, Lon Hardin for himself, Haywood Hardin, for himself, and Horace King for himself, appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as Creek Freedmen.

Further proceedings were had before the Commission at Muskogee, Indian Territory, August 24, 1904, and the name of Sam Sneed was included in the application herein. Further proceedings were had October 20, 1904.

The evidence shows that the applicants, Lillie Portwood, Caroline Sneed, Hannah Powell, Dave Sneed, and Fayette S. Sneed, were all living at the time of the making of the roll of Creek Freedmen made by J. W. Dunn, prior to March 14, 1867, and that the names of none of said applicants are identified on said roll.

The evidence further shows that Maggie Portwood, Beulah Portwood, Milton Portwood, Rellie Portwood, Robbie May Portwood, Mattie Powell, Maggie Powell, Floyd Powell, Boisi Sneed, Mayhew Sneed, Davy Lee Sneed, Estella Sneed, Pinkie Sneed, Effie Lillian Sneed, Minnie Belle Sneed, Georgia Thompson, James Thompson, Roland Thompson, Hampton Thompson, Nanny Belle Hardin, Lon Hardin, Haywood Hardin, Horace King, and Sam Sneed, or any of them, are not the descendants of a person whose name appears on said Dunn Roll; that no claim is made that the father of said minor children, Maggie, Beulah, Milton, Rellie, and Robbie May Portwood is entitled to enrollment as a citizen of the Creek Nation; that no claim is made that the father of said minor children, Mattie, Maggie and Floyd Powell is entitled to enrollment as a citizen of the Creek Nation; that no claim is made that the mother of said minor children Boisi, Mayhew, Davy Lee Sneed is entitled to enrollment as a citizen of the Creek Nation; that no claim is made that the mother of said minor children Estella, Pinkie, Effie Lillian, and Minnie Belle Sneed is entitled to enrollment as a citizen of the Creek Nation; that no claim is made that the father of said minor children James, Roland and Hampton Thompson is entitled to enrollment as a citizen of the Creek Nation.


It further appears from the evidence that the applicants, or any of them, have never been enrolled as citizens of the Creek Nation, nor have they, or any of them, ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.


It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Lillie Portwood, Caroline

Sneed, Maggie Portwood, Beulah Portwood, Milton Portwood, Rollie Portwood, Robbie May Portwood, Hannah Powell, Mattie Powell, Maggie Powell, Fayette S. Sneed, Estella Sneed, Pinkie Sneed, Errie Lillian Sneed, Minnie Belle Sneed, Georgia Thompson, James Thompson, Roland Thompson, Hampton Thompson, Nanny Belle Hardin, Lon Hardin, Raywood Hardin, Horace King, and Sam Sneed, or any of them, as Creek Freedmen, and that their application for enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
 \_\_\_\_\_  
 CHAIRMAN

  
 \_\_\_\_\_  
 COMMISSIONER

  
 \_\_\_\_\_  
 COMMISSIONER

Muskogee, Indian Territory.

\_\_\_\_\_

COMMISSIONERS:  
TAMM DIXON,  
THOMAS S. WHEELER,  
G. E. TRACHTENBERG.  
WM. C. DEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DATE IN REPLY TO THE FOLLOWING:
January 10, 1907

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 10, 1907.

Fayette S. Sneed,

Wagoner, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, Estella, Finkie, Effie Lillian and Minnie Belle Sneed, as ~~Green~~ Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Registered

Jan 10-1907

COMMISSIONERS:  
PAUL BERRY,  
THOMAS B. HENDON,  
S. L. BROWN.  
—  
WM. S. HALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Handwritten: *Next*

COPIES OF THIS LETTER TO THE FOLLOWING:
Creek In 400

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 19, 1906.

Len Hardin,

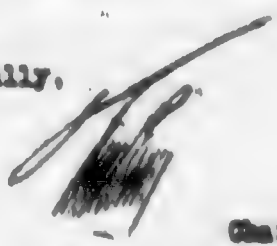
Logge, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Chairman.

Register.

JYM-19-16.

Creek No 155

Muskogee, Indian Territory, January 19, 1905.

Lillie Fortwood,

Doggs, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself, your minor children, Lizzie, Beulah, Milton, Nellie and Robbie May Fortwood, and your mother, Caroline Good, as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

JYM-19-10.

Handwritten: *Wash*  
Creek LA 688

Muskogee, Indian Territory, January 19, 1908.

Mannah Lowell,

Beggs, Indian Territory,

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, Mattie, Margie and Floyd Lowell, as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Secretary.

NY-10-11.



WCSA  
Creek 22 606

Muskogee, Indian Territory, January 19, 1905.

Dave Sneed,

Moscow, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, Holisi, Mayhew and Davy Lee Sneed, as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Enc-Inter.

JYM-19-12.

Creek No 600

Muskogee, Indian Territory, January 19, 1905.

Georgia Thompson,

Moggs, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, James, Roland and Hampton Thompson, as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

JYM-19-14.

X-107  
Creek in 1888

Muskogee, Indian Territory, January 19, 1905.

Fanny Belle Hardin,

Beggs, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

JM.-19-15.

Creek En 684

Luskogee, Indian Territory, January 19, 1908.

Haywood Hardin,

Beggs, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Registrar.

JYK-19-17.

YAN  
Creek 22 688

Muskogee, Indian Territory, January 19, 1905.

Horace King,

Hoggs, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, denying said Application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Respecter.

JYM-19-1b.

WST  
Creek No 688

Muskogee, Indian Territory, January 19, 1905.

Sam Need,

Beggs, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

JYM-19-19.

Handwritten: *WJ*  
Creek No 600

Muskogee, Indian Territory, January 19, 1908.

Wolfenberger & Jenkins,

Attorneys for Lillie Portwood, et al.,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the applications for the enrollment of Lillie Portwood, et al., as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYM-19-20.



*Handwritten:* Alex

Creek in 600

Muskogee, Indian Territory, January 19, 1908.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the applications for the enrollment of Millie Kortwood, et al., as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYM-19-11.

Creek in 600

Muskogee, Indian Territory, January 19, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the applications for the enrollment of Lillie Portwood, et al., as Creek freedmen, including the decision of the Commission, dated January 4, 1908.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

JYM-19-22.

JWH

DEPARTMENT OF THE INTERIOR,

WASHINGTON. November 18, 1905.

I.T.D. 1234-1905

LRS

Commissioner to the Five Civilized Tribes

Muskogee, Indian Territory.

Sir:

January 19, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the applications for enrollment as Creek freedmen of Lillie Portwood, for herself and her five minor children, Maggie, Beulah, Milton, Rollie and Robbie May Portwood, and for her mother, Caroline Sneed; of Hannah Powell for herself and her three minor children, Mattie, Maggie and Floyd Powell; of Dave Sneed for himself and his three minor children, Boisi, Mayhew and Davy Lee Sneed; of Fayette S. Sneed for himself and his four minor children, Estella, Pinkie, Effie Lillian and Minnie Belle Sneed; of Georgia Thompson for herself and her three minor children, James, Roland and Hampton Thompson; of Nannie Belle Hardin for herself; of Lon Hardin for himself; of Haywood Hardin for himself, and of Horace King for himself, including its decision of January 4, 1905, adverse to all the applicants.

Reporting February 2, 1905, the Indian Office recommends that said decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the Commission's decision is hereby affirmed.

Respectfully,

Thos Ryan

First Assistant Secretary

1 inclosure

Refer in reply to the following

Land  
5846-1905

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs, Washington  
February 2, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 19, 1905, transmitting the record of the application, made August 23, 1904, for enrollment as Creek freedmen by Lillie Portwood for herself and her five minor children, Maggie, Beulah, Milton, Rollie and Robbie Portwood, and for her mother, Caroline Sneed; by Hannah Powell for herself and her three minor children, Mattie, Maggie and Floyd Powell; by Dave Sneed for himself and his three minor children, Boisi, Mayhew and Davy Lee Sneed; by Fayette S. Sneed for himself and his four minor children, Estella, Pinkie, Effie Lillian, and Minnie Belle Sneed; by Georgia Thompson for herself and her three minor children, James, Roland and Hampton Thompson; by Nannie Belle Hardin for herself; by Lon Hardin for himself; by Haywood Hardin for himself, and by Horace King for himself.

January 4, 1905, the Commission decided adversely to all the applicants.

The record shows that the applicants, Lillie Portwood, Caroline Sneed, Hannah Powell, Dave Sneed and Fayette S. Sneed, were all living at the time of making the Dunn roll and that the names of none of said applicants are identified on that roll and that the other applicants are not the descendants of a person whose name appears on said roll.

It further appears that no prior application has been made and that none of the applicants has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C.F. Larrabee  
Acting Commissioner

MEW

✓  
En. 688

Muskogee, Indian Territory, November 23, 1906.

Lillie Portwood,

Beggs, Indian Territory.

Dear Madam:

You are hereby advised that under date of November 15, 1906, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1905, denying the application made by you for the enrollment of yourself, your minor children, Maggie, Beulah, Milton, Rollie and Robbie May Portwood, and for your mother, Caroline Sneed, an Creek freedmen.

Respectfully,

Acting Commissioner.

En. 688

Muskogee, Indian Territory, November 22, 1905.

Hannah Powell,

Beggs, Indian Territory.

Dear Madam:

You are hereby ~~advised~~ that under date of November 15, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1905, denying the application made by you for the enrollment of yourself and your three minor children, Mattie, Maggie and Floyd Powell, as Creek freedmen.

Respectfully,

Acting Commissioner.

En. 600

Muskogee, Indian Territory, November 22, 1906..

Dave Sneed,

Beggs, Indian Territory.

Dear Sir:

You are hereby advised that under date of November 15, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1905, denying the application for the enrollment of yourself and your minor children, Boisi, Mayhew and Davy Lee Sneed, as Creek freedmen.

Respectfully,

Acting Commissioner.



**En. 688**

**Muskogee, Indian Territory, November 22, 1905.**

**Fayette S. Sneed,**

**Beggs, Indian Territory.**

**Dear Sir:**

You are hereby advised that under date of November 15, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1905, denying the application for the enrollment of yourself and your minor children, Estella, Pinkie, Effie Lillian and Minnie Belle Sneed, as Creek freedmen.

**Respectfully,**

**Acting Commissioner.**

**En. 688**

**Muskogee, Indian Territory, November 22, 1908.**

**Georgia Thompson,**

**Beggs, Indian Territory.**

**Dear Madam:**

You are hereby advised that under date of November 15, 1908, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1905, denying the application for the enrollment of yourself and your minor children, James, Roland and Hampton Thompson, as Creek freedmen.

**Respectfully,**

**Acting Commissioner.**

**No. 699**

**Muskogee, Indian Territory, November 22, 1905.**

**Lon Hardin,**

**Boggs, Indian Territory.**

**Dear Sir:**

You are hereby advised that under date of November 15, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1905, denying your application for enrollment as a Creek freedman.

**Respectfully,**

**Acting Commissioner.**

**En. 468**

**Muskogee, Indian Territory, November 22, 1905.**

**Raywood Hardin,**

**Beggs, Indian Territory.**

**Dear Sir:**

You are hereby advised that under date of November 15, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1905, denying your application for enrollment as a Creek freedman.

**Respectfully,**

**Acting Commissioner.**

En. 688

Muskogee, Indian Territory, November 22, 1905.

Horace King,

Beggs, Indian Territory.

Dear Sir:

You are hereby advised that under date of November 15, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1905, denying your application for enrollment as a Creek freedman.

Respectfully,

**En. 688**

**Muskogee, Indian Territory, November 22, 1905.**

**Nannie Belle Hardin,**

**Beggs, Indian Territory.**

**Dear Madam:**

You are hereby advised that under date of November 15, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1905, denying your application for enrollment as a Creek freedman.

**Respectfully,**

**Acting Commissioner.**

Bn. 688

Muskogee, Indian Territory, November 22, 1905.

Wolfenberger & Jenkins,

Attorneys for Lillie Portwood et al.,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that under date of November 18, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1905, denying the application for the enrollment of Lillie Portwood et al., as Creek freedmen.

Respectfully,

Acting Commissioner.



En. 688

Muskogee, Indian Territory, November 22, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of November 16, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1905, denying the application of Lillie Portwood et al. for enrollment as Creek freedmen.

Respectfully,

Acting Commissioner.

CR EN 689

CR EN 689

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Xuskogee, I. T., August 31, 1904.

In the matter of the application for the enrollment of Elizabeth Toles et al., as Creek Freedmen.

( John G. Lieber Attorney for applicants,  
APPEARANCES:  
( M. L. Mott Attorney for Creek Nation.

ELIZABETH TOLES, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Elizabeth Toles.  
Q How old are you? A I don't know.

The witness appears to be at least 50 years of age.

Q What is your post office address? A Boley, Indian Territory.  
Q Have you some minor children for whom you wish to make application? A Yes, sir.  
Q What is the name of the oldest? A Lillie.  
Q How old is Lillie? A About 16 or 18.  
Q What is the name of the next? A Mathew.  
Q How old is he? A 17.  
Q Is he living? A Yes, sir, all living.  
Q What is the name of the next? A Ruben.  
Q How old is he? A 14.  
Q Is he living? A Yes, sir.  
Q What is the next? A Mark.  
Q How old is he? A 10.  
Q Is he living? A Yes, sir.  
Q What is the next one? A Era.  
Q How old is she? A 8.  
Q Is she living? A Yes, sir.  
Q Are they all living with you? A Yes, sir.  
Q Who is the father of these children? A William Toles.  
Q Is he a citizen of the Creek Nation? A No, sir.  
Q State man? A Yes, sir.  
Q These children's rights come through you, if they have any, do they? A Yes, sir.  
Q Do you claim to be a citizen of the Creek Nation? A Yes, sir.  
Q How do you claim that right? A Through my mother.  
Q What is your mother's name? A Margarette Hawkins.  
Q What is the name of your father? A Chilli McIntosh.  
Q Was you a slave? A No, sir.  
Q Was your mother a slave? A No, sir.  
Q Was Chilli McIntosh a citizen of the Creek Nation? A Yes, sir.  
Q Citizen by blood or a Freedman? A Citizen by blood.  
Q Was you mother, Margarette Hawkins, a citizen of the Creek Nation? A Yes, sir.  
Q Citizen by blood or Freedman? A Citizen by blood.  
Q Where do you live now? A In the Creek Nation.  
Q Did you ever draw any money from the Creek Nation? A No, sir.  
Q Did you ever make application for enrollment prior to this time? A No, sir.

By Mr. Lieber:

Q Was your mother a slave of Chilli McIntosh? A No, sir.

Elizabeth Teles et al., s--2.

Q Was she owned by the McIntoshes? A Yes, sir.  
Q If she was owned by them then she must have been their slave? A She was never sold.  
Q You say she was not a slave because she was not sold? A Yes, sir.  
Q Didn't Chili McIntosh own you? A Yes, sir.  
Q You were born before the War? A Yes, sir.  
Q Have you ever lived outside the Indian Territory? A No, sir.  
Q Where were you just at the close of the war? A I was here.  
Q Were you in the Creek Nation? A Yes, sir, I was in the Creek Nation.  
Q Was your mother living at that time? A Yes, sir.  
Q When did she die? A Died----I was small. I don't remember what time she died.  
Q Did she die during the War or after the war closed? A Died after the war closed.  
Q How long after? A I don't remember. I was so small.  
Q What became of you after the War? A Just stayed herein the Creek Nation.  
Q Who did you live with before you were married? A Just with my people.  
Q Chili McIntosh was also a member of what was known in the Creek Nation as the Hawkins family wasn't her? A Yes, sir.

-----;0:-----

I, Drennan C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 27 day of September, 1904.

Wm. M. Taylor  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 31, 1904.

In the matter of the application of Elizabeth Toles for the enrollment of her son, Randle Toles, as a Creek Freedman.

( John G. Lieber Attorney for Applicant,  
APPEARANCES: ( M. L. Kott Attorney for Creek Nation.

ELIZABETH TOLES, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Elizabeth Toles.  
Q How old are you? A I don't know.

Witness appears to be at least 50 years of age.

Q What is your post office address? A Moley.  
Q You desire to make application for the enrollment of your son, Randle Toles, as a Creek Freedman? A Yes, sir.  
Q How old is Randle Toles? A About 25.  
Q What is his post office? A Moley.  
Q Randle Toles has no children that are entitled to enrollment has he? A He has one young.  
Q How old is he? A One year old.

Mr. Lieber states that they don't claim that this child is entitled to enrollment.

Q Is Randle Toles your son? A Yes, sir.  
Q Who is his father? A William Toles.  
Q Any rights that Randle Toles might have in the Creek Nation come through you alone? A Yes, sir.  
Q Is he married? A yes, sir.  
Q What is his wife's name? A Annie Toles.  
Q Is she a citizen of the Creek Nation? A she is a state woman.

This case is consolidated with that of Elizabeth Toles et al.

-----I:-----

I, Drennan C. Skaggs, on oath state that the above and foregoing is a full, and true transcript of my stenographic notes as taken in said cause on said date.

*Drennan C. Skaggs*

Subscribed and sworn to before me this 27 day of September, 1904.

*John M. Nathan Jr.*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 31, 1904.

In the matter of the application for the enrollment of Beatrice Ogles as a Creek Freedman.

( John G. Lieber Attorney for applicant,  
APPEARANCES:  
( M. L. Mott Attorney for Creek Nation.

ELIZABETH TOLES, being duly sworn, testified as follows:

By commission:

Q What is your name? A Elizabeth Toles.  
Q How old are you? A I don't know.

Witness appears to be at least 50 years of age.

Q What is your post office address? A Boley.  
Q You desire to make application for the enrollment of Beatrice Ogles and her four children as Creek Freedmen? A Yes, sir.  
Q How old is Beatrice Ogles? A Thirty.  
Q What is Beatrice Ogles post office address? A She is staying in the Creek nation.  
Q Is her post office Boley? A Yes, sir.  
Q What is the name of her oldest child? A Walter Ogles.  
Q How old is he? A Eleven.  
Q Is he living? A Yes, sir.  
Q What is the name of the next? A Mandy.  
Q How old is she? A Nine and living.  
Q What is the next? A Ellis.  
Q How old is he? A Seven years old and living.  
Q What is the next one? A Jeff.  
Q How old is he? A Four and living.  
Q Are you the mother of Beatrice Ogles? A yes, sir.  
Q Her name was Beatrice Toles was it before she was married? A Yes, sir.  
Q Who is the father of these children? A Ogles.  
Q What is his first name? A Bob.  
Q Is he a citizen of the Creek Nation? A Yes, sir.  
Q What is he? A Creek.  
Q Any rights that Beatrice Ogles might have in the Creek Nation come through you do they? A yes, sir.  
Q Beatrice's father, William Toles, was a non-citizen? A Yes, sir.  
Q You say that Beatrice's husband is a citizen of the Creek Nation? A No, sir, he is a state man.  
Q Then any rights that these children might have to enrollment in the Creek nation come through their mother, Beatrice Ogles? A Yes, sir.

This case is consolidated with that of Elizabeth Toles et al.

-----; O:-----

I, Drinnan C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken at said court on said date.

Subscribed and sworn to before me this 31 day of September, 1904.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 31, 1904.

In the matter of the application for the enrollment of Jessie Thomas et al., as Creek Freedmen.

( John G. Lieber Attorney for applicants,  
APPEARANCES:  
( M. L. Mott Attorney for Creek Nation.

ELIZABETH TOLES, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Elizabeth Toles.  
Q How old are you? A I don't know.

Witness appears to be at least 50 years of age.

- Q What is your post office address? A Boley.  
Q You desire to make application for Jessie Thomas and her three children as Creek Freedmen do you? A Yes, sir.  
Q How old is Josie? A Thirty-two.  
Q What is the name of her oldest child? A Albert Thomas.  
Q How old is he? A 11.  
Q Is he living? A Yes, sir.  
Q What is the name of the next one? A Willie.  
Q Is that a girl or boy? A Girl.  
Q How old is she? A 9.  
Q Is she living? A Yes, sir.  
Q What is the next one? A Polly?  
Q How old is she? A 7.  
Q Is she living? A Yes, sir.  
Q Where does Josie Thomas and her children live? A They live around Boley.  
Q Josie Thomas is your daughter? A Yes, sir.  
Q And these children named herein are your grandchildren? A Yes, sir.  
Q Who is the father of these children? A I don't know his given name. It was Thomas.  
Q Is Josie Thomas married to this man? A Yes, sir.  
Q Is this man a citizen? A No, sir.  
Q State man? A Yes, sir.  
Q All the rights these children might have come through Josie Thomas and Josie Thomas' rights come through you? A Yes, sir.  
Q Who is the father of Josie Thomas? A William Toles.  
Q He is not a citizen is he? A No, sir.

This case is consolidated with that of Elizabeth Toles et al.

I, Brennan G. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

*Brennan G. Skaggs*  
Subscribed and sworn to before me this 31st day of September, 1904.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 31, 1904.

In the matter of the application for the enrollment of Jennie Boyd and her minor child, Elma Boyd, as Creek Freedmen.

( John G. Fisher Attorney for applicants,  
APPEARANCES:  
( E. L. Kett Attorney for Creek Nation.

Elizabeth Toles, being duly sworn, testified as follows:

Examination:

Q What is your name? A Elizabeth Toles.  
Q How old are you? A I don't know.

Witness appears to be at least 50 years of age.

Q What is your post office address? A Roley.  
Q You desire to make application for the enrollment of Jennie Boyd and her one child, Elma Boyd, as Creek Freedmen? A Yes, sir.  
Q How old is Jennie Boyd? A Twenty-six.  
Q What is her post office? A Roley.  
Q Is she married? A Yes, sir.  
Q What is the name of her husband? A Al. Boyd.  
Q Is he the father of Elma Boyd? A Yes, sir.  
Q Is Al. Boyd a citizen of the Creek Nation? A No, sir.  
Q Is he a state man? A Yes, sir.  
Q Any rights that Elma Boyd might have as a Creek Citizen come through her mother, Jennie Boyd? A Yes, sir.  
Q Jennie Boyd is your daughter? A Yes, sir.  
Q And her father is William Toles? A Yes, sir.  
Q All the rights that Jennie Boyd might have as a Creek Citizen come through you? A Yes, sir.

This case is consolidated with that of Elizabeth Toles et al., and the said consolidated cases are hereby continued for further testimony.

-----I-----

I, Drennan C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

*Drennan C. Skaggs*

Subscribed and sworn to before me this 27<sup>th</sup> day of September, 1904.

*W. H. Martin*  
Notary Public.

P. 20  
88/3

En. 689

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Elizabeth Toles, et al., as Creek Freedmen.

SUPPLEMENTAL STATEMENT.

The roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867, examined and Elizabeth Toles not identified thereon.

The Tribal Rolls of the Creek Nation in the possession of the Commission examined and none of the applicants herein identified on any of said rolls.

The records of the proceedings of the Colbert Commission in the possession of the Commission examined and it does not appear that application was made to said Commission for the admission of the applicants herein, or any of them, to citizenship in the Creek Nation.

Records of the proceedings of the Commission to the Five Civilized Tribes under authority of the act of Congress of June 10, 1896 examined and, it does not appear that application was made to this Commission for the admission of the applicants herein, or any of them, to citizenship in the Creek Nation.



Commissioner

Muskogee, Indian Territory,

November 29, 1904.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Elizabeth, Lillie, Mathew, Ruben, Mark, Era and Randle Toles, Josie, Albert, Willie and Polly Thomas, Beatrice, Walter, Mandy, Ellis and Jeff Ogles, Jennie and Elna Boyd as Creek Freedmen.

DECISION.

The record in this case shows that on August 31, 1904, Elizabeth Toles appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her five minor children, Lillie, Mathew, Ruben, Mark and Era Toles, as Creek Freedmen, and that on the same day and date said Elizabeth Toles also made application for the enrollment of Josie Thomas and her three minor children, Albert, Willie and Polly Thomas, Beatrice Ogles and her four minor children, Walter, Mandy, Ellis and Jeff Ogles, Randle Toles and Jennie Boyd, and her minor child, Elna Boyd, as Creek Freedmen, and that said applications were consolidated with the application of Elizabeth Toles herein.

Further proceedings were had November 29, 1904.

The evidence shows that said Elizabeth Toles was more than forty years old at the date of the application herein, and that she is not identified on the roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867; that she is the mother of said Lillie, Mathew, Ruben, Mark, Era and Randle Toles, Beatrice Ogles, Josie Thomas and Jennie Boyd, and the grand-mother of Albert, Willie and Polly Thomas, Walter, Mandy, Ellis and Jeff Ogles and Elna Boyd, and that none of her said children and grand-children are the descendants of a person whose name is contained on said Dunn Roll.

The evidence further shows that no claim is made that the father of said minor children, Lillie, Mathew, Ruben, Mark and Era Toles is entitled to enrollment as a citizen of the Creek Nation; that no claim is made that the father of said minor children, Walter, Mandy, Ellis and Jeff Ogles is entitled to enrollment as a citizen of the Creek Nation; that no claim is made that the father of said minor children, Albert, Willie and Polly Thomas, is entitled to enrollment as a citizen of the Creek Nation; that no claim is made that the father of said minor child, Elna Boyd is entitled to enrollment as a citizen of the Creek Nation.

It does not appear from the evidence that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor have they, or any of them, ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Elizabeth Toles, Lillie Toles, Mathew Toles, Ruben Toles, Mark Toles, Era Toles, Randle Toles, Josie Thomas, Albert Thomas, Willie Thomas, Polly Thomas, Beatrice Ogles, Walter Ogles, Mandy Ogles, Ellis Ogles, Jeff Ogles, Jennie Boyd and Elna Boyd, or any of them, as Creek Freedmen, and

that the application for their enrollment as such should be denied,  
and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
CHAIRMAN

  
COMMISSIONER

  
COMMISSIONER

MUSKOGEE, INDIAN TERRITORY,

MAR 15 1905

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Elizabeth, Lillie, Mathew, Ruben, Mark, Era and Randle Toles, Josie, Albert, Willie and Polly Thomas, Beatrice, Walter, Mandy, Ellis and Jeff Ogles, Jennie and Elna Boyd as Creek Freedmen.

DECISION.

The record in this case shows that on August 31, 1904, Elizabeth Toles appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her five minor children, Lillie, Mathew, Ruben, Mark and Era Toles, as Creek Freedmen, and that on the same day and date said Elizabeth Toles also made application for the enrollment of Josie Thomas and her three minor children, Albert, Willie and Polly Thomas, Beatrice Ogles and her four minor children, Walter, Mandy, Ellis and Jeff Ogles, Randle Toles and Jennie Boyd, and her minor child, Elna Boyd, as Creek Freedmen, and that said applications were consolidated with the application of Elizabeth Toles herein.

Further proceedings were had November 29, 1904.

The evidence shows that said Elizabeth Toles was more than forty years old at the date of the application herein, and that she is not identified on the roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867; that she is the mother of said Lillie, Mathew, Ruben, Mark, Era and Randle Toles, Beatrice Ogles, Josie Thomas and Jennie Boyd, and the grand-mother of Albert, Willie and Polly Thomas, Walter, Mandy, Ellis and Jeff Ogles and Elna Boyd, and that none of her said children and grand-children are the descendants of a person whose name is contained on said Dunn Roll.

The evidence shows that no claim is made that the father of said minor children, Lillie, Mathew, Ruben, Mark and Era Toles is entitled to enrollment as a citizen of the Creek Nation; that no claim is made that the father of said minor children, Walter, Mandy, Ellis and Jeff Ogles is entitled to enrollment as a citizen of the Creek Nation; that no claim is made that the father of said minor children, Albert, Willie and Polly Thomas, is entitled to enrollment as a citizen of the Creek Nation; that no claim is made that the father of said minor child, Elna Boyd is entitled to enrollment as a citizen of the Creek Nation.

It does not appear from the evidence that the applicants, or any of them, have been enrolled as citizens of the Creek Nation, nor have they, or any of them, ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Elizabeth Toles, Lillie Toles, Mathew Toles, Ruben Toles, Mark Toles, Era Toles, Randle Toles, Josie Thomas, Albert Thomas, Willie Thomas, Polly Thomas, Beatrice Ogles, Walter Ogles, Mandy Ogles, Ellis Ogles, Jeff Ogles, Jennie Boyd and Elna Boyd, or any of them, as Creek Freedmen, and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Sixty, Chairman.  
" T. B. Needles, Commissioner,  
" C. R. Breckinridge,  
Commissioner.

Muskogee, Indian Territory,  
March 15, 1905.

(En. 600)

Muskogee, Ind. Ter., Nov. 19th, 1904.

The Commission

To the Five Civilized Tribes,

Muskogee, Ind. Ter.

Gentlemen:

In the matter of the application of Randle Teles, for enrollment as a Creek Freedman, you are requested to strike my name from the record as attorney for the applicant.

Very respectfully,

(Signed) John G. Lieber

(No. 669)

Muskogee, Ind. Ter., Nov. 19th, 1904.

The Commission

To the Five Civilized Tribes,  
Muskogee, Ind. Ter.

Gentlemen:

In the matter of the application of Beatrice Ogles, et al,  
for enrollment as Creek Freedmen, you are requested to strike my name  
from the record as attorney for the applicants.

Very respectfully,

(Signed) John G. Lieber.



(En. 689)

Muskogee, Ind. Ter., Nov. 19th, 1904.

The Commission

To the Five Civilized Tribes,  
Muskogee, Ind. Ter.

Gentlemen:

In the matter of the application of Josie Thomas et al,  
for enrollment as Creek Freedmen, you are requested to strike my  
name from the record as attorney for the applicants.

Very respectfully,

(Signed) John G. Lieber.

(en. 669)

Muskogee, Ind. Ter., Nov. 19th, 1904.

The Commission

To the Five Civilized Tribes,

Muskogee, Ind. Ter.

Gentlemen:

In the matter of the application of Elizabeth Toles et al for enrollment as Creek Freedmen, you are requested to strike my name from the record as attorney for the applicants.

Very respectfully,

(Signed) John G. Lieber.

(En. 889)

Muskogee, Ind. Ter., Nov. 19th, 1904.

The Commission

To the Five Civilized Tribes,

Muskogee, Ind. Ter.

Gentlemen:

In the matter of the application of Jennie Boyd, for enrollment as a Creek Freedman, you are requested to strike my name from the record as attorney for the applicant.

Very respectfully,

(Signed) John G. Lieber

COPY.

Cr.Ba.689.

Muskogee, Indian Territory, April 13, 1905.

Beatrice Ogles,

Beloy, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and your four minor children, Walter, Mandy, Killis and Jeff Ogles, as Creek Freedmen, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.  
IM-4-14442

COPY.

Gr.In.689.

Muskogee, Indian Territory, April 15, 1905.

M. L. Matt,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Elizabeth Toles, et al., Josie Thomas, et al., Beatrice Ogles, et al., Randle Toles and Jennie Boyd, et al., as Creek Freedmen, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

LM-4-14-47.

Cr. En.

Muskogee, Indian Territory, April 15, 1903.

Jennie Boyd,

Beley, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and your minor child, Elma Boyd, as Creek Freedmen, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*Tamie Dixby.*

Chairman.

Register.  
LM-4-14-48.

Cr.En.649.

Muskogee, Indian Territory, April 15, 1906.

Randle Toles,

Holey, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself as a Creek Freedmen, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.  
IM4-14-45.



Gr.No. 689.

Muskogee, Indian Territory, April 15, 1905.

Jessie Thomas,

Boley, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and your three minor children, Albert, Willie and Polly Thomas, as Creek Freedmen, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*John S. Smith*

Chairman.

Register.  
IM-4-14-43.

Cr.En.689.

Muskogee, Indian Territory, April 25, 1908.

Elizabeth Toles,

Holey, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and your five minor children, Lillie, Mathew, Ruben, Kark and Era Toles, as Creek Freedmen, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.  
IM-4-14-42.

Cr. Ex. 689.

Muskogee, Indian Territory, April 15, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Elizabeth Toles, et al., Jemie Thomas, et al., Beatrice Ogles, et al., Randle Toles and Jennie Boyd, et al., as Creek Freedmen, including the decision of the Commission, dated March 15, 1906.

Through the Commissioner  
of Indian Affairs.

IK-4-14-48.

Chairman.

G.R.

DEPARTMENT OF THE INTERIOR,  
Washington.

I.T.D. 5254-1905  
LRS

June 9, 1905

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen: On March 15, 1905, you transmitted the record of the application of Elizabeth Toles for the enrollment of herself and her five minor children, Lillie, Mathew, Ruben, Mark, and Era Toles, as Creek freedmen, and also the application of said Elizabeth Toles on same day and date for the enrollment of Josie Thomas and her three minor children, Albert, Willie, and Polly Thomas; also for the enrollment of Beatrice Ogles and her four minor children, Walter, Mandy, Ellis, and Jeff Ogles; also for the enrollment of Randle Toles and Jennie Boyd and her minor child, Elma Boyd, as Creek freedmen, said applications having been consolidated with the application of Elizabeth Toles aforesaid, with your decision dated March 15, 1905, adverse to the aforesaid applicants.

May 8, 1905, the Acting Commissioner of Indian Affairs reporting in the matter, recommended that your decision adverse to all the applicants be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and your decision dated March 15, 1905, denying the applications for the enrollment of Elizabeth Toles and her five minor children, Lillie, Mathew, Ruben, Mark, and Era Toles; Josie Thomas and her three minor children, Albert, Willie, and Polly Thomas; Beatrice Ogles and her four minor children, Walter, Mandy, Ellis, and Jeff Ogles; Randle Toles, and Jennie Boyd and her minor child, Elma Boyd, as Creek freedmen is hereby affirmed.

Respectfully

E A Hitchcock  
Secretary

1 inclosure

Refer in reply to the followings:

Land  
20256-1206

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington, May 9, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 15, 1905, transmitting the record of the application made August 31, 1904, for the enrollment as Creek Freedmen by Elizabeth Toles for herself and her five minor children, Lillie, Mathew, Ruben, Mark and Era Toles; for Josie Thomas and her three minor children, Albert, Willie and Polly Thomas; for Beatrice Ogles and her four minor children, Walter, Mandy, Ellis and Jeff Ogles; for Randall Toles, and for Jennie Boyd and her minor child, Elma Boyd.

March 15, 1905, the Commission decided adversely to all the applicants.

The record shows that Elizabeth Toles was more than forty years old at the date of her application and that she is not identified on the Dunn roll; that she is the mother or grand-mother of all the other applicants and that none of them is a descendant of a person whose name is found on the Dunn roll and no claim is made that the father of any of the minor children is entitled to enrollment as a citizen of the Creek Nation.

It does not appear from the record that any of the applicants has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C.F. Larrabee

Acting Commissioner

M.M.M. W.

COMMISSIONER:  
TOMAS A. HENRIKSON  
C. E. HENRIKSON  
—  
W. A. HALL  
Secretary

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

M. & M.

FILED IN OFFICE OF THE COMMISSIONER
Cr. No. 689.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 29, 1906.

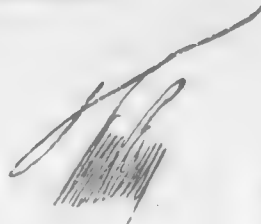
Jennie Boyd,

Deley, Indian Territory.

Dear Madam;

You are hereby advised that the Secretary of the Interior, under date of June 9, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of yourself and your minor child, Elma Boyd, as Creek Freedmen.

Respectfully,



Chairman.

Dr. No. 600.

Mustang, Indian Territory, June 20, 1906.

Bontrise Ogles,

Boley, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of yourself and your minor children, Walter, Mandy, Ellis and Jeff Ogles, as Creek Freedmen.

Respectfully,

Chairman.



Gr.No. 689.

Muskogee, Indian Territory, June 29, 1906.

Elizabeth Teles,  
Moley, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of yourself and your minor children, Lillie, Mathew, Ruben, Mark and Era Teles, as Creek Freedmen.

Respectfully,

Chairman.

Cr. En. 689.

Muskogee, Indian Territory, June 29, 1905.

M. L. Hott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of June 29, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of Elizabeth Toles, et al., as Creek Freedmen.

Respectfully,

Chairman.

McKagoe, Indian Territory, June 20, 1905.

Josie Thomas,

Boley, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of yourself and your minor children, Albert, Willie and Polly Thomas, as Creek Freedmen.

Respectfully,

Chairman.

Gr.En.609.

Muskogee, Indian Territory, June 29, 1906.

Randle Toles,

Boley, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying your application for enrollment as a Creek Freedman.

Respectfully,

Chairman.

CR EN 690

CR EN 690

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 31, 1904.

In the matter of the application for the enrollment of Lula Smith et al., as Creek Freedmen.

APPEARANCES: M. L. Mett Attorney for Creek Nation.

LULA SMITH, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Lula Smith.  
Q How old are you? A My----I am 34.  
Q What is your post office address? A Boley.  
Q Have you any children for whom you wish to make application? A Yes, sir.  
Q Give the name of the oldest that is living? A Mary Crutchfield.  
Q How old is she? A 16.  
Q Who is her father? A James Crutchfield.  
Q Is he living or dead? A I couldn't tell you.  
Q Was he a citizen of the Creek Nation? A He was a Cherokee citizen.  
Q What is the name of the next oldest child that is living? A Baby Smith.  
Q How old is Baby Smith? A Four years old.  
Q Who is her father? A Robert Smith.  
Q Is he a citizen of the Creek Nation? A No, sir.  
Q Is he a citizen of any of the Nations? A I don't know.  
Q What is the name of the oldest child that is dead, that you want to make application for? A Carrie Crutchfield.  
Q Was she a sister to Mary Crutchfield? A Yes, sir, full sister.  
Q How old was Carrie when she died? A 16.  
Q When did she die? A January 16, 1902.  
Q What is the name of the next one that is dead? A Burney Smith.  
Q Was Burney Smith a full brother to Baby Smith? A Yes, sir.  
Q How old was Burney Smith when he died? A One year and six months old.  
Q When did he die? A March 14, 1902.  
Q He died the same year that Carrie died did he? A Yes, sir.  
Q You are the mother of all of these children are you? A Yes, sir, I am.  
Q Do you claim to be a citizen of the Creek Nation? A Yes, sir, through my mother.  
Q What was your mother's name? A Kate Perryman.  
Q Is she living? A She is dead.  
Q Do you know what Creek Indian Town she belonged to? A I don't know. I was small.  
Q What is the name of your father? A William Perryman.  
Q Is he a citizen of the Creek Nation? A Yes, sir.  
Q Is he living? A I don't know whether he is living or dead.  
Q Do you know what Indian Town he belonged to? A He belonged around in the same place.  
Q Was your father and mother Creek Freedmen? A Yes, sir, she was a freedman.  
Q Who did your mother belong to? A I can't tell you that.

Q Do you know whether your father was a slave? A I don't know whether he was or not.

Q Have you ever made application to either of the nations for the enrollment of either yourself or the children mentioned in your application here? A The first application I ever made was when I came here and this gentleman told me I had to go see the other people about it.

Q You have no application in the Cherokee Nation for any of these children have you? A No, sir.

Q Where did your mother die? A She died in Dallas.

Q When did she die? A I don't remember the year.

Q Was it four or five or six or ten years ago? A It has been about six years ago.

This case is continued for further testimony.

-----0;-----

I, Dremman G. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

*Dremman G. Skaggs*

Subscribed and sworn to before me this 27 day of September, 1904.

*H. M. Martin Jr.*  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., Sept. 17, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Lula Smith et al., as Creek Freedmen.

( DeGraffenreed & Scruggs, for applicants,  
APPEARANCES:  
( M. L. Mott Attorney for Creek Nation.

BOB SMITH, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Bob Smith.  
Q How old are you? A About thirty-seven.  
Q What is your post office address? A Boley.  
Q Do you know Lula Smith? A Yes, sir.  
Q Is she your wife? A Yes, sir.  
Q How long have you known her? A Been married six years.

By Mr. Scruggs:

- Q How long have you know Lula Smith? A About fifteen years.  
Q How many children has she? A She has two living by me.  
Q How many children has she had? A To my knowing-----I don't know all she had by Jim but she had two and she has had three by me.  
Q What are Crutchfields childrens names? A Carrie and Mary.  
Q Is Carrie dead? A Yes, sir.  
Q When did she die? A She died the 16th of March ----1902----January.  
Q Mary is here in town is she? A Yes, sir.  
Q What are the ages of the children by you? A The little girl, Baby Smith, about four years old.  
Q When was she born? A In March.  
Q How old was she in March? A Four years old this last March.  
Q What is the other child's name? A Burney Smith.  
Q How old is he? A Well, he is about-----two years old I think when he died.  
Q When did he die? A He died in March, 1902.  
Q You have another child. What is its name? A Got a little baby here. (indicating a small child)  
Q We don't care nothing about that one? No response.

By Commission:

- Q You don't claim any rights in the Creek nation yourself? A No, sir.

-----:0:-----

I, Drennan G. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

*Drennan G. Skaggs*

Subscribed and sworn to before me this 29 day of September, 1904.

*[Signature]*

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., Sept. 23, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Lula Smith et al., as Creek Freedmen.

ABE PRINCE, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Abe Prince.  
Q How old are you? A About sixty.  
Q What is your post office address? A Redbird.  
Q Do you know Lula Smith? A Know her now.  
Q When did you get acquainted with her? A Here about-----down to the last meeting.  
Q That is the first time you ever knew her is it? A Yes, sir.  
Q You don't know of your own knowledge whose child she is? A I don't know.

LULA SMITH, being duly sworn, testified as follows:

By Commission:

- Q Your name is Lula Smith is it? A Yes, sir.  
Q You have made application heretofore? A Yes, sir.  
Q Have you found out anything about your father? A Yes, sir.  
Q He is living is he? A Yes, sir.  
Q What is his name? A William Perryman.  
Q Is he a citizen? A Yes, sir.  
Q Freedman or a citizen by blood? A He is not a full-blood Indian. I suppose he is a freedman.  
Q Where were you born? A Some where in the Territory, mother said.  
Q Where did your mother die? A In Dallas.  
Q Where is that? A She went from here to Dallas, Texas.  
Q Where were you when you can first remember? A Texas.  
Q How long have you been in the Creek Nation? A I come to the Creek Nation the 14th day of this last January.  
Q Where did you live before you came to the Creek Nation? A In the Chickasaw Nation.  
Q How long did you live there? A About seven or eight years.  
Q Where did you live before that? A I came from Texas to the Chickasaw Nation.  
Q Had you lived in Texas all your life before that? A Yes, sir.  
Q Did you ever draw any money from the Creek Nation? A No, sir.  
Q To what town in the Creek nation do you claim to belong? A I don't know what you call the town but my mother used to teach me something about the old Agency.  
Q About how long has your mother been dead? A I suppose about six years. As near as I can get at it.  
Q Did she die in Texas? A Yes, sir.  
Q Did she ever tell you how long she had been living in Texas when she died? A No, sir.  
Q Do you know anything from family history as to about how long she had been living there? A No, sir.  
Q Did she ever tell you whether she was carried away from here during the war or not? A No, sir.  
Q Was any money ever drawn for any of these children, that you have applied for, from the Creek Nation? A No, sir.

Upon request of the principal applicant this case is continued in order that further evidence may be introduced.

1224 Smith et al., -2.

I, William D. Smith, do hereby certify that the above and foregoing is a true and complete transcript of my stenographic notes of the proceedings in said case on said date.

*William D. Smith*

Subscribed and sworn to before me this 10th day of September, 1901.

*[Signature]*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., Sept. 28, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Lula Smith et al., as Creek Freedmen.

WILLIAM PERRYMAN, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A William Perryman.  
Q How old are you? A About fifty-six.  
Q What is your post office address? A Clarksville.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q What town do you belong to? A Big Spring.  
Q What is the name of your father? A Sam Perryman.  
Q What is the name of your mother? A Mary Perryman.

The records of the Commission show that William Perryman is listed for enrollment on Creek Indian Card, Field No. 341, and that his name is contained in the partial list of citizens by blood of the Creek Nation, approved March 13, 1902, No. 1131.

- Q Do you know Lula Smith? A Well, I never have seen her until about a week ago, since she was a little child. All I know her by is what she told me who was her mother and the name she gave me, and by what others told me, and who she claimed to be her mother.  
Q That is all you know is by what she claims? A There was one girl between me and a colored woman by the name of Katie Perryman.  
Q Are you the father of that child? A I was claimed to be by the mother. There was no marriage, we just lived together.  
Q You lived together as man and wife did you? A Yes, sir.  
Q Did you recognize that child that was carried off as being your child? A Yes, sir.  
Q You saw this woman that claims to be that child? A Yes, sir.  
Q As to her color, is her color the same as that child? A She was very small when she was carried off. I would have thought the child would have been a lighter color than this woman but her mother was very dark.  
Q Is this woman a Dark woman? A No, she is brown. Her hair shows a little straighter than most of the colored people.  
Q Is Kate Perryman dead? A That is what I was told. I never have seen her.  
Q She went away did she? A Yes, sir, the last I heard of her she was in the Cherokee Nation.  
Q When was that? A About '69, as well as I remember.  
Q Had Kate been living here in the Creek Nation all her life before that? A I couldn't tell you.  
Q How long had you known her? A About eighteen months or two years.  
Q Do you know whether she was a slave of a Creek citizen or not? A I couldn't tell you.  
Q Didn't you ever hear anything about that? A No. They were here during the War but I didn't hear whether they belonged to Cherokee Citizens or Creek Citizens. That was Kate and her sister.  
Q Do you know what became of her sister? A They both left together.  
Q What was this one called, Kate what? A I don't remember. Every body called her Kate Perryman.

Q Didn't you know her name before that? A No, sir.  
Q What was her sister's name? A Lissie I think.  
Q Lissie what? A She lived with a man by the name of Brown and she went by the name of Brown.  
Q Now, as I understand you, you recognize a child that was born to a colored woman, named Kate, as being yours but you don't know whether this woman that claims to be that child is the same child or not? A No, Only by what she tells.  
Q You have never heard of the mother since she left here about '69? A No, sir. I heard of this girl, about two years ago, inquiring for me but never met her until a few weeks ago.  
Q You don't know whether she is your child or not? A No, sir. If she is the daughter of the woman, Katie, she is my child.  
Q How old is this woman that claims to be your child? A Looks to be about thirty.  
Q Does this woman, Lula Smith, appear to you to be of the color that a child born to you and Kate would have? Does she appear to you to be darker or lighter or about the color that you would expect a child born to the you and that woman would have? A It is possible that she could be of that color.  
Q I am not talking about it being possible but is she the colour that one would naturally expect of a child born to you and this woman, Kate Perryman. Or in other words does she appear to be darker than she should? A It seems to me that she ought to be a little lighter.  
Q What did she say to you when you first saw her? A Driv up where I was working and asked me if I knew her and I told her I didn't. She said look at me good and see if you know me and I looked at the lady and said I didn't remember of ever seeing her and she said did you know Lula Perryman and I said there is so many Perrymans that I don't remember her and she asked me if I know a woman by the name of Kate Perryman and I said I knew of two. Mose Perryman used to have a woman named Kate and one went by Perryman on account of me living with her. And she told me that her mother told her that if she ever got back to the Creek Nation she would find her father, a man by the name of William Perryman, and she wanted me to come down and help her with her case.  
Q What was the name of that child that you had by Kate? A Lula.  
Q That was her name was it? A Yes, sir.  
Q Do you know anything else about this matter that would throw any light on this case? A No, sir.  
Q Did she tell you where she had been living? A She said she come from Texas to Chickasaw Nation and from Chickasaw Nation to Creek Nation.

---oooO00ooo---

Drennan C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of his stenographic notes as taken in said cause on said date.

*Drennan C. Skaggs*

Subscribed and sworn to before me this 11 day of October, 1904.

*[Signature]*

Notary Public.



Ex. 690.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-101-

In the matter of the application for the enrollment of Lula Smith, et al., as citizens of the Creek Nation.

-: SUPPLEMENTAL STATEMENT :-

The Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867, examined and the mother of Lula Smith not identified thereon.

The Tribal Rolls of the Creek Nation in the possession of the Commission examined and Lula Smith not identified on any of said Rolls.

Records of the proceedings of the Gilbert Commission in the possession of the Commission examined and it does not appear that application was made to said Commission for the admission of the applicants herein, or any of them, or of James Crutchfield to citizenship in the Creek Nation.

Records of the proceedings of the Commission to the Five Civilized Tribes under authority of the Act of Congress of June 10, 1896, examined and it does not appear that application was made to said Commission for the admission of the applicants herein, or any of them, or of James Crutchfield, to citizenship in the Creek Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,

January 23, 1908.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:0:-

In the matter of the application for the enrollment of Lula Smith, Baby Smith, Burney Smith, deceased, Mary Crutchfield and Carrie Crutchfield, deceased, as citizens of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on August 27, 1904, Lula Smith appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor children, Mary Crutchfield and Carrie Crutchfield, deceased, as citizens by blood of the Creek Nation, and on August 31, 1904, said Lula Smith appeared before the Commission and made application for the enrollment of herself, her said minor children, Mary Crutchfield and Carrie Crutchfield, deceased, and her minor children, Baby Smith and Burney Smith, deceased, as Creek Freedmen. Further proceedings were had September 17, September 23, and September 26, 1904.

It appearing that both Negro and Indian blood is claimed for all the applicants herein, the application for their enrollment is considered both as citizens by blood and as Creek Freedmen.

The evidence shows that said Lula Smith is not a full blood Creek Indian, that she was thirty-four years old at the date of the application herein and that she is not the descendant of a person whose name appears on the Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867; that said Mary Crutchfield, Carrie Crutchfield, deceased, Baby Smith and Burney Smith, deceased, are the minor children of said Lula Smith, that they, or any of them, are not the descendants of a person whose name appears on said Dunn Roll, that the father of said minor children, Mary Crutchfield and Carrie Crutchfield, deceased, is not entitled to enrollment as a citizen of the Creek Nation, and that no claim is made that the father of said minor children, Baby Smith and Burney Smith, deceased, is entitled to enrollment as a citizen of the Creek Nation.



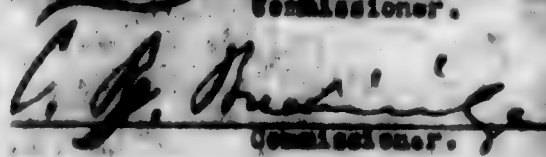
It does not appear from the evidence that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor have they, or any of them, ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Lula Smith,



THE UNDERSIGNED, JAMES B. BROWN, deceased, Mary C. Brownfield and Carrie  
Brownfield, his wife, do hereby certify that the following is a true and correct  
copy of the petition for their inheritance as such  
as is shown, and is so secured.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
Chairman.  
  
\_\_\_\_\_  
Commissioner.  
  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,  
 APR 20 1908

Muskogee, Indian Territory, October 8, 1904.

C. T. Huddleston,  
Attorney-at-Law,  
Okemah, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of October 6, relative to the citizenship of Lula Smith and her children.

In reply you are advised that on August 31, 1904, Lula Smith appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and Baby and Burney Smith, and Mary and Carrie Crutchfield as citizens of the Creek Nation. Additional testimony was given in the case September 28, 1904. No further action has been taken in the matter.

When a decision is reached in this case said Lula Smith will be duly notified.

Respectfully,

Chairman.

8813

No. 690

Muskogee, Indian Territory, November 17, 1904.

M. L. Mott,

Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the testimony in the matter of the application for the enrollment of Lula Smith, et al., as citizens of the Creek Nation.

The Creek Nation will be allowed a reasonable time within which to submit evidence in the case.

Respectfully,

Chairman.

HCH-1-17

Muskogee, Indian Territory, April 21, 1908.

M. E. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Julia Smith and her minor children, Baby Smith, Burney Smith, deceased, Mary Crutchfield, and Carrie Crutchfield, deceased, as Creek Freedmen, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

IM-4-21-108.

0. d  
C. H. H. H.

Muskogee, Indian Territory, April 22, 1908.

W. H. Smith,

Wiley, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, W. H. Smith, W. H. Smith, deceased, Mary Grutchfield, and Carrie Grutchfield, deceased, as Creek Freedmen, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

W. H. Smith.

SP:BN: 490.

Muskogee, Indian Territory, April 21, 1900.

The Honorable

The Secretary of the Interior.

Sir :

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Lula Smith and her minor children, Baby Smith, Hurrey Smith, deceased, Mary Grutchenfeld, and Carrie Grutchenfeld, deceased, as Creek Freedmen, including the decision of the Commission, dated April 20, 1900.

Respectfully,

Chas. Allen,

Through the Commissioner  
of Indian Affairs.

22-4-21--103.

✓  
# 670  
(copy)

Mokey, Ind. Ter. June 8th, 1908.

Hon Commission to Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

relying to your favor of May 31st, will say that as yet I am not enrolled as a citizen of the Creek Nation. I claim citizenship through my grandfather William Perryman, who is a Creek Indian by blood and belongs to the Big Spring town. My mother Julia Smith is his daughter and was born in the Creek Nation. My reason for making the application at this time is that my citizenship is now pending before the Hon Secretary of Interior and I only make this application that it might become a matter of record for future action.

Respectfully,

(signed)

MRS. MARY CRUTCHFIELD.



✓  
Ba. 593.

Muskogee, Indian Territory, July 17, 1906.

Eula Smith,

Beley, Indian Territory.

Dear Madam:

Receipt is acknowledged of your communication of July 8, 1906, relative to your right to enrollment as a citizen of the Creek Nation, and asking to be advised if Jewishhoke and Annie Spaniard are yet living.

In reply you are advised that the matter of the application for your enrollment as a citizen of the Creek Nation is now pending before the Department, and when final action is had in the matter you will be duly notified.

You are further advised that Annie Spaniard, age nine years, daughter of James and Malinda Spaniard, is, so far as it appears from the records of this office, now living, and that the name of Jewishhoke does not appear on said records.

Respectfully,

Commissioner.

✓ 690

G.A.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D:4844-1908

August 11, 1908.

S.M.B.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

April 21, 1908, the Commission to the Five Civilized Tribes transmitted the record of the application of Lula Smith for the enrollment of herself and her minor children, Mary Crutchfield and Carrie Crutchfield(deceased) and Baby Smith and Burney Smith (deceased), both as citizens by blood and as freedmen of the Creek Nation, including the decision of the Commission dated April 20, 1908, adverse to all the applicants.

May 2, 1908, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission dated April 20, 1908, adverse to all the applicants be affirmed. A copy of his letter is inclosed.

May 9, 1908, there was filed with the Department a motion for a reopening of said case, and said motion for a reopening is hereby denied.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated April 20, 1908, denying the application of Lula Smith for the enrollment of herself and her minor children, Mary Crutchfield and Carrie Crutchfield(deceased) and Baby Smith and Burney Smith (deceased), either as citizens by blood or as freedmen of the Creek Nation is hereby affirmed.

Respectfully,

Thos Ryan  
Acting Secretary

1 inclosure

Refer in reply to the following  
Land  
31364-1905

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington, May 2, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 21, 1905, transmitting the record of the application made August 27, 1904, for the enrollment as citizens of the Creek Nation by Lula Smith for herself and her minor children, Mary Crutchfield and Carrie Crutchfield, deceased, and Baby Smith and Burney Smith, deceased.

April 20, 1905, the Commission decided adversely to all the applicants.

The record shows that the applicants have both Indian and Negro blood; that the principal applicant was thirty four years old at the date of application and that none of the applicants is a descendant of a person whose name appears upon the Dunn roll and no claim is made that the father of the minors is entitled to enrollment as a citizen of the Creek Nation. It does not appear that any of the applicants has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C.F. Larrabee  
Acting Commissioner

En. 600.

Muskogee, Indian Territory, August 18, 1908.

DeGraffenried & Scruggs,

Muskogee, Indian Territory.

Dear Sirs:

You are hereby notified that under date of August 11, 1908, the Secretary of the Interior denied the motion filed by Lula Smith, for a reopening of the matter of the application for the enrollment of her minor children, Mary and Carrie Grutchfield, deceased, and Baby Smith and Burney Smith, deceased, as citizens by blood and as Creek freedmen, and affirmed the decision of the Commission to the Five Civilized Tribes, dated April 20, 1908, denying said application.

Respectfully,

Acting Commissioner.

En. 690

Muskogee, Indian Territory, August 18, 1905.

Zula Smith,

Boley, Indian Territory.

Dear Madam:

You are hereby notified that under date of August 11, 1905, the Secretary of the Interior denied the motion filed by you for a reopening of the matter of the application for the enrollment of your minor children, Mary Crutchfield and Carrie Crutchfield, deceased, and Baby Smith and Burney Smith, deceased, as citizens by blood and as Creek freedmen, and affirmed the decision of the Commission to the Five Civilized Tribes, dated April 20, 1905, denying said application.

Respectfully,

Acting Commissioner.

✓  
OF No 690

Blackfoot, Indian Territory, December 9, 1906.

Rowley Z. Mathers,

Nowata, Indian Territory.

Gentlemen,

Receipt is acknowledged of your communication of December 6, 1906, in which you state that you have been retained as attorneys for Luia Smith, of Boley, Indian Territory, in the matter of the application for her enrollment as a citizen of the Creek Nation; you state that she has informed you that her case is pending before this office, and you ask that a date be set for a hearing in same.

In reply you are advised that on April 20, 1906, a decision was rendered by the Commission to the Five Civilized Tribes concerning the application for the enrollment of Luia, Baby and Burney Smith and Mary and Jarriso Johnston as citizens of the Creek Nation, and that said decision was, on August 11, 1906, affirmed by the Secretary of the Interior. The parties in interest were immediately notified of the action of the Commission April 21, 1906, and of the action of the Department on August 11, 1906. Your request that a date be set for a hearing in the case is accordingly refused.

Respectfully,

Acting Commissioner.

CR EN 691

CR EN 691



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., August 31, 1904.

In the matter of the application for the enrollment of Susan  
Durham et al., as Creek Freedmen.

APPLICANTS: M. L. Kott Attorney for Creek Nation.

SUSAN DURHAM, being duly sworn, testified as follows:

My Commission:

Q What is your name? A Susan Durham.  
Q How old are you? A Forty-five.  
Q What is your post office address? A South McAlester.  
Q Have you any minor children for whom you wish to make application?  
A Yes, sir, four.  
Q What is the name of the eldest? A Marshall Durham.  
Q How old is he? A Eleven years old.  
Q Is he living? A Yes, sir.  
Q What is the name of the next one? A Ellena Durham.  
Q How old is she? A Nine.  
Q Is she living? A Yes, sir.  
Q What is the next? A Christopher.  
Q How old is he? A Seven.  
Q Is he living? A Yes, sir.  
Q What is the name of the next? A Marcella.  
Q How old is she? A Five.  
Q Is she living? A Yes, sir.  
Q These children all live with you do they? A Yes, sir.  
Q What is the name of the father of these children? A Quincy  
Durham.  
Q Is he living? A Yes, sir.  
Q Is he a citizen of the Creek Nation? A No, sir.  
Q What man? A Yes, sir.  
Q Any rights that these children might have in the Creek Nation  
come through you and not their father? A Yes, sir.  
Q Are you married to Quincy Durham? A Yes, sir.  
Q What is the name of your father? A He died when I was small but  
my mother said his name was Jim Perryman.  
Q He is dead? A Yes, sir.  
Q How long has he been dead? A Died time of the War.  
Q Was he a citizen of the Creek Nation? A Yes, sir.  
Q What is the name of your mother? A Lucy Perryman.  
Q Is she dead? A Yes, sir.  
Q When did she die? A She died when I was-----well, I don't know  
but I remember her-----I guess-----well she has been dead-----she  
died when I was about ten or twelve years old.  
Q Was she a citizen of the Creek Nation? A Yes, sir.  
Q Both your father and mother were citizens of the Creek Nation? A  
Yes, sir.  
Q Was your father and mother slaves of Creek Indians? A Yes, sir.  
Q Who was the owner of your mother? A Perryman I guess.  
Q Who was the owner of your father? A I don't know.  
Q Was you ever a slave? A No, sir. He died time of the War and  
she said I was about a year old when my father died.  
Q Where was you born? A Up here on the Arkansas.  
Q In the Creek Nation? A Yes, sir.  
Q And you always lived in the Creek Nation? A Not all the time.  
Since I married I been out.  
Q Where have you been? A To Texas and back to Oklahoma.

Duncan Durham et al., ---8.

Q How long you been here the last time? A Been in South McAlester about a year.

Q Where did you come from when you came to South McAlester? A Oklahoma. Q What town do you belong to? A No, Ma'am.

Q There are forty-seven Indian towns in the Creek Nation. You don't know anything about them do you? A No, sir.

Q By what right do you claim citizenship in the Creek Nation? A I claim the Freedman part I guess.

Q Is your name on the Dunn Roll? A I guess it is. Must be. If you look and see I reckon you will find it there.

Q Did you ever draw any money from the Creek Nation? A No, sir.

The Dunn Roll examined and the applicant cannot be identified thereon, neither are the names of her father, Jim Perryman, and her mother Lucy Perryman, found thereon.

The Tribal Rolls of the Creek Nation, in the possession of the Commission, examined and the applicant not identified on any of said rolls.

It appears from the records of the Commission that no application for enrollment has heretofore been made for the applicant herein.

The record of proceedings of the Commission, under the act of June 10, 1896 (29 Stat., 821), examined and it appears therefrom that no application was made to this Commission for citizenship in the Creek Nation for the applicant herein.

The records of the Colbert Commission, in the possession of the Commission, examined and it does not appear therefrom that any application was ever made to said Commission, for the applicant herein, for citizenship in the Creek Nation.

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I, Brennan C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Brennan C. Skaggs

Subscribed and sworn to before me this 27<sup>th</sup> day of September, 1904.

W. H. Smith  
Notary Public.

C. H.

No. 691.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Susan Durham, Marshall Durham, Ellena Durham, Christopher Durham and  
Mammie Durham as Creek Freedmen.

- I D E C I S I O N -

The record in this case shows that on August 31, 1904, Susan Durham appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her four minor children, Marshall Durham, Ellena Durham, Christopher Durham and Mammie Durham as Creek Freedmen.

The evidence shows that Susan Durham is the mother of Marshall Durham, Ellena Durham, Christopher Durham and Mammie Durham; that she was over forty years old on the date of the application herein and that she is not identified on the roll of Creek Freedmen made by J. W. Dunn, prior to March 14, 1867. The evidence further shows that said minor children, Marshall Durham, Ellena Durham, Christopher Durham and Mammie Durham, or any of them, are not the descendants of a person whose name is found on said Dunn Roll, and that no claim is made that the father of said minor children is entitled to enrollment as a citizen of the Creek Nation.

It does not appear from the evidence that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor does it appear that they, or any of them, have ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Susan Durham, Marshall Durham, Ellena Durham, Christopher Durham and Mammie Durham, or any of them, as Creek Freedmen, and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

Muskogee, Indian Territory.

7842  
Creek No 491

Muskogee, Indian Territory, January 12, 1906.

Lusan Durham,

South McAlester, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, Marshall, Ellena, Christopher and Mammie Durham, as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

JYM-12-78.

252  
Creek 12 891

Muskogee, Indian Territory, January 12, 1908.

K. L. Mott,  
Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Susan Durham, et al., as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYM-12-79.

Creek No 891

Muskogee, Indian Territory, January 12, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Susan Durham, et al., as Creek Freedmen, including the decision of the Commission, dated January 6, 1906.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

JYM-12-80.

(COPY)

DEPARTMENT OF THE INTERIOR,

W.C.F.

WASHINGTON.

PHE.

I.T.D. 576-1905.

April 8, 1905.

LRS.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

January 12, 1905, you transmitted the record in the matter of the application for the enrollment of Susan Durham, et al, as Creek Freedmen, including your decision of January 6, 1905, which was adverse to the applicants.

Reporting January 19, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is enclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

1 inclosure .



(COPY)

Refer in reply to  
the following:

Land.

3875-1905.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, January 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated January 12, 1905, transmitting the record of the application, made August 31, 1904, for enrollment as Creek Freedmen by Susan Durham for herself and her four minor children, Marshall, Ellens, Cristopher and Mammie Durham.

January 6, 1905, the Commission decided adversely to all the applicants.

The record shows that the principal applicant was over forty years of age at the date of her application; that she is not identified on the Dunn roll and that the minors are not the descendants of a person whose name is found on that roll.

It does not appear that any of the applicants have ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M. (W)

P. D.  
Gr. Fr. 691.

Muskogee, Indian Territory, April 26, 1905.

M. L. Nett,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of April 8, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 6, 1905, denying the application of Susan Durham for the enrollment of herself and her four minor children, Marshall, Ellena, Christopher and Mammie Durham, as Creek Freedmen.

Respectfully,

Chairman.

COMMUNICATIONS  
SECTION  
U. S. DEPARTMENT OF THE INTERIOR  
WASHINGTON, D. C.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

2. 42

RECEIVED
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RECEIVED APR 10 1906

Muskogee, Indian Territory, April 10, 1906.

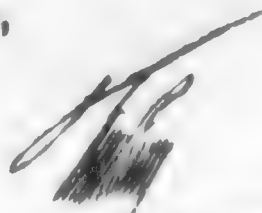
James Durham,

South McAlester, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of April 8, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 8, 1906, denying the application for the enrollment of yourself and your four minor children, Marshall, Elena, Christopher and Mammie Durham, as Creek Freedmen.

Respectfully,



Chairman.

CR EN 692

CR EN 692

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T., August 31, 1904.

In the matter of the application of Jennie Hawkins for enrollment as a Creek Freedman.

( John G. Lieber Attorney for applicant,  
APPEARANCES:

( M. L. Nott Attorney for Creek Nation.

JENNIE HAWKINS, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Jennie Hawkins.  
Q What is your age? A Well, I don't know.  
Q Well, about? A About twenty-four.  
Q What is your post office address? A Haskell.  
Q That is in the Creek Nation? A Yes, sir.  
Q You have no children for whom you wish to make application? A No, sir.  
Q You claim to be a citizen of the Creek Nation? A Yes, sir.  
Q You claim to be a freedman? A Yes, sir.  
Q What is the name of your father? A Bob Hawkins.  
Q Is he living or dead? A He is dead.  
Q When did he die? A I can't tell you.  
Q About how long. Eight or ten or fifteen years? A Been about eight or ten or fifteen.  
Q Was he a citizen of the Creek Nation? A Yes, sir.  
Q Was he a slave? A Yes, sir.  
Q Who did he belong to? A Jane Hawkins.  
Q What is the name of your mother? A Dicey Hawkins.  
Q Is she dead? A Yes, sir.  
Q When did she die? A My father died a year before my mother. Just a years difference.  
Q Was your mother a citizen of the Creek Nation? A Yes, sir.  
Q Was she a slave? A Yes, sir.  
Q Who did she belong to? A Lou Hawkins.  
Q Did you ever draw any money from the Creek Nation? A No, sir.  
Q Where do you live now? A Live in the Creek Nation.  
Q How long have you been living in the Creek Nation? A Five or six years.  
Q Where were you born? A In the Creek Nation.  
Q Well, after you was born how long did you live in the Creek Nation until you moved out? A I can't tell you.  
Q Where did you live prior to moving to the Creek Nation the last time? A I lived about and about.  
Q Where did you live before you came to the Creek Nation? A Lived in Texas and left there two years ago and come back here and been here ever since.  
Q How long did you live in Texas? A About three years.  
Q You say you were born in the Creek Nation? A Yes, sir.  
Q Where was you in 1890? A I didn't keep no account of the dates.  
Q Do you know where you were in 1895? A I knew I was right here.  
Q Do you know whether your father and mother are on the Dunn Roll? A No, sir.  
Q Did you ever make application before this for enrollment as a Creek Citizen? A No, sir.  
Q This is the first time you was ever before the Commission? A Yes, sir.

James H. Hinkle--2.

By Mr. Hinkle:  
Q Are you a full brother of James H. Hinkle? A Yes, sir.  
Q Is he serving as a Grand Juror in the case of A. J. H. Hinkle?  
Q And got his allowance? A Yes, sir, got his allowance.

-----

I, Darius G. Hinkle, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said case on said date.

Darius G. Hinkle

Subscribed and sworn to before me this 27 day of September, 1904.

W. M. Hinkle  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
MUSKOGEE, I.T. DEC. 5, 1904.

Supplemental testimony

In the matter of, the application for the enrollment of Jennie Hawkins as a Creek Freedman.

Manuel Hawkins being duly sworn testified as follows:

By the Commission:

- Q What is your name? A Manuel Hawkins.  
Q How old are you? A Nigh as I can come at it I is 52 or 53.  
Q What is your post office address? A Haskell.  
Q Do you know Jennie Hawkins? A Yes sir.  
Q Any kin to you? A Yes sir.  
Q What relation is she to you? A My own dear sister; mother and father.  
Q Does she have the same father and mother as you? A Yes sir; the same.  
Q What is the name of her father? A Boss Hawkins; some call him Ross but his name is Boss.  
Q Is he living or dead? A Dead.  
Q How long has he been dead? A Old man has been dead as nigh as I can come at it I was quite a young man; I can't tell you how long.  
Q How old were you when he died? A About 26 I guess the way I put it.  
Q How old is Jennie? A I don't exactly know how old; I know she is crowding between 38 and 39; can't give no definite date but I think she was born somewhere along in there.  
Q Is she more than 34? A Yes sir.  
Q Where did your father die? A My father died in the State of Texas.  
Q Was Jennie living with him when he died? A No sir.  
Q Where did she live? A Jennie wasn't living with him when he died 'cause she was waiting on some white people.  
Q Where, in Texas? A Yes sir.  
Q Where were you born? A In 6 miles of Coweta.  
Q In the Creek Nation? A Yes sir.  
Q Were you taken out of the Creek Nation during the war? A Taken out the time of the Civil War.  
Q Was Jennie taken out then? A She wasn't born.  
Q Where were you taken to? A To Texas.  
Q Was Jennie born in Texas? A Yes sir.  
Q She was born in Texas? A Yes sir.  
Q Your father was taken out also during the war? A Mother and father.  
Q Your mother and father? A Yes sir.  
Q And Jennie was born while they were in Texas? A Yes sir.  
Q Did your father ever come back to the Creek Nation? A Yes sir.  
Q Did he ever come back here to live? A Yes sir, come back and went back.  
Q When did he come back? A There was a emigrate of people made up; some of them here now.  
Q When did he come back? A I was quite young; but he come back along between '67 and '70 when the crowd come back.  
Q Did you come back at that time? A I come back before that time with my owner; the Indian that owned me.  
Q How long had you been back when your father came? A I was here two years or more.  
Q Did Jennie come back with your father? A Yes sir.  
Q What is the name of your mother? A Dicey Hawkins.



Q Is she dead? A Yes sir.  
Q Did she die before your father? A After. Father died first.  
Q How long first? A About a year I guess.  
Q Did she come back from Texas with your father? A Yes sir.  
Q Did you ever draw any money from the Creek Nation? A No sir.  
Q You were admitted to citizenship by the Colbert Commission, were you?  
A Yes sir.

The witness is listed for enrollment on Creek Freedman card Field No. 1175, and his name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 28, 1902, No. 4210. The record in his case shows that he was admitted to citizenship in the Creek Nation by the Colbert Commission August 20, 1896. See Creek Citizenship record #1, page 498.

Q How long did your father remain here when he came back here from Texas? A I don't think he stayed over a couple of months.  
Q He then went back to Texas? A Yes sir.  
Q Did he ever come back here to live? A No sir.  
Q Did Jennie go back with him when he went back there? A Yes sir.  
Q Then how long has she been here now? A She only stayed here this last time between 90 days and 4 months.  
Q She has been here now? A Yes sir.  
Q And that's the longest she ever stayed here since her father went back to Texas? A Yes sir; she's been coming in and out and never stayed.  
Q Jennie Hawkins was not here in the Creek Nation when you made application to the Colbert Commission? A No sir.  
Q She was in Texas? A Yes sir.  
Q No application was made for her? A No sir; she was paid to put in before Mr. Colbert but he said she had to be present/ I named her at the time but he said she had to be present.  
Q Was your sister born before the war closed or after? A (No answer).  
Q She was born before you came back from Texas, wasn't she? A Yes sir.  
Q About how old was she when you came back from Texas? A Between 10 and 8; along there; she had now judgment of her own.  
Q No, but she was a child running around? A Yes sir.

The Dunn Roll examined and neither the father nor mother, nor the applicant, Jennie Hawkins, identified on that roll.

The tribal rolls of the Creek Nation in possession of the Commission examined and the applicant not identified on any of said rolls.

The records of proceedings of the Commission under the act of June 10, 1896, examined and no application appears to have been made for citizenship, in the Creek Nation by the applicant herein.

The records of the Colbert Commission examined and no application appears to have been made for the applicant herein.

November 19, 1904, John G. Lieber filed with the Commission his written request to strike his name from the record as attorney for the applicant.

Q Do you know anything else you can say that will throw any light on this case? A No sir, I guess not. She is a full sister of mine.

-----

Henry G. Fains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case

-3-

and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry A. Haines*

Subscribed and sworn to before me this 6 day of December, 1904.

*E. C. Linsley*

Notary Public.

E. C. G.  
En. 692

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Jennie Hawkins as a Creek Freedman.

DECISION.

The record in this case shows that on August 31, 1904, Jennie Hawkins appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Creek Freedman. Further proceedings were had December 5, 1904.

The evidence shows that the applicant is not identified on the roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867, and that she is not a descendant of a person whose name appears on said roll.

It does not appear from the evidence that the applicant has ever been enrolled as a citizen of the Creek Nation, nor has she ever been admitted to citizenship in said nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Jennie Hawkins as a Creek Freedman, and that the application for her enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
CHAIRMAN

  
COMMISSIONER

  
COMMISSIONER

MUSKOGEE, INDIAN TERRITORY,

APR 10 1905

J. J. H.  
No. 692

Muskogee, Indian Territory, November 17, 1904.

Jennie Hawkins,

Haskell, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a citizen of the Creek Nation, you are advised that the Commission requires that Manuel Hawkins appear at the office of the Commission in Muskogee, Indian Territory, and submit evidence in the case.

Respectfully,

Chairman.

Register.

Creek In 692

Austogee, Indian Territory, January 17, 1908.

Jennie Haskins,

Haskell, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

JHX-17-77.

Handwritten: HSN

Creek No 695

Muskogee, Indian Territory, January 17, 1906.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Jennie Hawkins as a Creek Freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYM-17-78.

Ken

Creek No 692

Muskogee, Indian Territory, January 17, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Jennie Hawkins as a Creek Freedman, including the decision of the Commission, dated January 5, 1905.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

JYM-17-79.



✓ 692 Kest  
Muskogee, Indian Territory, March 3, 1905.

Jennie Hawkins,

Okmulgee, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of February 20, by reference from the Secretary of the Interior, relative to your citizenship in the Creek Nation.

There is herewith enclosed a copy of a letter written to you at Haskell, Indian Territory, the postoffice address given in your application of August 31, 1904.

Respectfully,

Commissioner in Charge.

ZEP-3-3-1.

✓  
Em 692  
Muskegee, Indian Territory, March 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted a motion filed by R. P. Blakemore, Attorney, for a rehearing in the matter of the application for the enrollment of Jennie Hawkins as a Creek Freedman, (Cr. No. 692).

The motion does not set forth any facts not already fully covered by the testimony in said case and considered by the Commission in its decision of January 6, 1905, denying said application, which said decision was forwarded with the record in the case to the Department January 17, 1905.

In view of the testimony and facts in the case it is respectfully recommended that the motion be overruled.

Respectfully,

Chairman.

ZEP- 3-20-1.

DEPARTMENT OF THE INTERIOR,  
Washington.

V.C.F.  
JHE

I.T.D. 814-1905  
5196--"

April 11, 1905.

LRS

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

January 17, 1905, you transmitted the record in the matter of the application for the enrollment of Jennie Hardins as a Creek Freedman, including your decision of January 5, 1905, rejecting the applicant.

Reporting January 24, 1905, the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

On March 20, 1905, you transmitted a motion for rehearing filed by E.P. Blakemore, attorney for the applicant.

You recommended that said motion be denied, inasmuch as it does not set forth any facts not already fully covered by the testimony considered by your Commission in its ~~decision~~ decision of January 5, 1905.

The Department concurs in said recommendation. The motion is therefore denied, and your decision of January 5, 1905, is hereby affirmed.

Respectfully,

Thos Ryan

Acting Secretary

1 inclosure

Refer in reply to the following:

Land  
5242-1905

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, January 24, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 17, 1905, transmitting the record of the application, made August 31, 1904, for enrollment as a Creek Freedman by Jennie Hawkins.

January 5, 1905, the Commission decided adversely to the applicant.

The record shows that no prior application has been made; that the applicant is not identified on the Dunn roll and is not a descendant of a person so identified, and that she has never been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C F Larrabee

Acting Commissioner

MM  
V

D. H.  
Cr. No. 602.

Muskogee, Indian Territory, April 21, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of April 11, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, denying the application for the enrollment of Jennie Hawkins as a Creek Freedman.

Respectfully,

Chairman.

P. D.  
Cr. En. 692.

Muskogee, Indian Territory, April 21, 1905.

Jennie Hawkins,

Haskell, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of April 11, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, denying your application for enrollment as a Creek Freedman.

Respectfully,

Chairman.

S. M.

Gr. En. 692.

Muskogee, Indian Territory, April 21, 1905.

John G. Lieber,

Attorney for Jennie Hawkins,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of April 11, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, denying the application for the enrollment of Jennie Hawkins as a Creek Freedman.

Respectfully,

Chairman.



CR EN 693

CR EN 693

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., August 31, 1904.

In the matter of the application for the enrollment of Mary Nunn et al., as Creek Freedmen.

( John G. Lieber Attorney for applicants,  
APPEARANCES:  
( M. L. Mott Attorney for Creek Nation.

MARY NUNN, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Mary Nunn.  
Q How old are you? A Twenty-seven.  
Q What is your post office address? A Twine, Indian Territory.  
Q You desire to make application for the enrollment of yourself and your four minor children as Creek Freedmen? A Yes, sir.  
Q What is the name of your oldest child? A Corrie.  
Q How old is she? A Seven.  
Q Is she living? A Yes, sir.  
Q What is the next? A Blanche Nunn.  
Q How old is she? A Five.  
Q Is she living? A Yes, sir.  
Q What is the name of the next? A Marilda Lee and Matilda D. Twin children.  
Q How old are they? A Three years old and two months.  
Q Are they both living? A Yes, sir.  
Q Have you any other children for whom you wish to make application?  
A No, sir.  
Q Do you want to make application for the one that is dead? A You can put her on there.  
Q What is the name of your deceased child? A Mabel Nunn.  
Q How long has she been dead? A I can't recall how long she has been dead.  
Q How old was she when she died? A Seven months.  
Q Who is the father of these children? A Henry Nunn.  
Q Is he a citizen of the Creek Nation? A No, sir.  
Q State man? A Yes, sir.  
Q Any rights that these children may have in the Creek Nation are through you alone? A Yes, sir.  
Q All these children living with you? A Yes, sir, all living at home with me.  
Q What is the name of your father? A Henry Lewis. They called him Henry Teney.  
Q Is he living? A Dead.  
Q When did he die? A I can't tell.  
Q Was he a citizen of the Creek Nation? A No, sir.  
Q State man? A Yes, sir.  
Q What is the name of your mother? A Millie.  
Q Is she living? A Dead.  
Q How long has she been dead? A I don't know.  
Q Was she a citizen of the Creek Nation? A Yes, sir.  
Q Was your mother a Creek Freedman? A Well, I don't know sir, whether she was freedman or by blood but her father is.  
Q Who was your mother's father? A Tally Lewis.

Mary Nunn et al.,--3.

Q Did you ever draw any money from the Creek Nation? A I been living here and there but I don't know whether he drew any money for me.  
Q Who was that? A My grandfather.  
Q What town do you belong to? A Arkansaw Colored.  
Q Is Tally Lewis a Creek Freedman? A I don't know sir, I guess he is.  
Q Where do you live now? A With my grandfather.  
Q Where? A Out in the country.  
Q Do you live with Tally Lewis? A Yes, sir.  
Q How long have you lived in the Creek Nation? A I don't know.  
Q About how long? A About four years.  
Q Where did you live before that? A I been living generally on his place.  
Q Whose place? A grandfather's.  
Q How long have you been living in the Creek Nation? A I guess four years, I guess.  
Q Where did you live before you lived in the Creek Nation? A Texas  
Q Where was you born? A I was born here.  
Q Was you born in the Creek Nation? A I don't know exactly. My mother never told me, she died when I was small.  
Q Are you married to Henry Nunn? A Yes, sir.  
Q Are you living together now? A Yes, sir.  
Q He is living with you out at your grandfather's place? A Yes, sir.

By Mr. Lieber:

Q When did your daughter, Mabel, die? A June 10.  
Q What year? A 1898, I think. I got so many children that I don't remember. She died June 10, 1898.  
Q 1898 or 1899? A '99. She was born November 3, 1898 and died June 10, 1899.  
Q Have you any record of the birth and death of this child? A Yes, sir, I have the record of it at home.

Upon request of the attorney for the applicants this case is continued for further testimony.

-----0:-----

I, Drennan C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 27 day of September, 1904.

W. M. Martin  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I.T. DEC. 22, 1904.

In the matter of the application for the enrollment of Mary Nunn,  
et al., as Creek Freedmen.

APPEARANCE: J.G.Lieber, for applicants.

Tally Lewis being duly sworn, testified as follows:

BY COMMISSION:

Q What is your name? A Tally Lewis.

Q How old are you? A 74.

Q What is your post office address? A Twine.

Q Are you a citizen of the Creek Nation? A Always was.

Q Have you been enrolled and gotten your land? A Yes sir; got it right  
here; at this table here.

Witness identified as Tally Lewis on Creek Freedman card #84.

Q Do you know the applicant in this case, Mary Nunn? A Yes sir.

Q Is she related to you? A My grandchild.

Q What is the name of her mother? A Miley.

Q Is her mother your daughter? A Yes sir.

Q Does Mary Nunn live in the Creek Nation? A She is living in the  
Creek Nation now.

Q How long has she been living here? A About 4 or 5 years ago.

Q Where was she before that? A Before that her father took her to  
Texas after her mother died.

Q How long ago has that been? A I can't tell.

Q Has it been as long as 15 years? A I guess so.

Q About how large a girl was she when she went to Texas? A About 2  
years old or more. A rough guess.

Q And she has been back here in the Creek Nation about 5 years? A Yes  
sir.

Q Did her mother come back to the Creek Nation with her? A No, her  
mother died here; her father took her to Texas; I buried her here.

Q Did her father return with her when she came back to the Creek Na-  
tion? A No sir.

Q Did you see her between the time that she left the Creek Nation  
until she came back five years ago? A No sir, never seen her until 5  
years ago; that how come she aint on the roll.

Q While she was away did she correspond with you-- write letters to  
you? A No; cause she was too small when she left.

Q Well, afterwards? A After she got big enough and got sense; little  
bit before she come she wrote to me inquiring.

Q And you had never seen her from the time she left here until about  
five years ago? A No sir, cause I wasn't in Texas in my life.

Q Did you know her when you saw her? A Yes sir, knowed her futures;  
she was two when she left here; we never kept no record.

Q Have you any other children besides the mother of Mary Nunn? A Yes  
sir, I am the father of four children.

Q Are they all living? A There aint but one living; that's Sallie  
Manuel; she's married.

Q Is she enrolled? A Yes sir; all of my four children is enrolled some-  
where.

Q Has this child, Sallie Manuel been enrolled and gotten her land?

A Yes sir

A Yes sir, Sallie got her land and living on it.

A Sallie used to be Sally Lewis.

Q Was Mary Nunn's mother born before the war? A Right during the war.

Q Is her name on the Dunn Roll? A Yes sir, you will find Miley Lewis right on the Dunn Roll with Tally Lewis.

Q What are the names of your other children? A There's Sallie Lewis, and Miley Lewis and John--he was with different mother and is with his uncle and I am his father. And Lewis Lewis my last child.

BY Mr. Lieber:

Q Are their names on the Dunn Roll? A Yes sir all on the Dunn Roll.

Q Who is John enrolled with? A With Wilson Lowe.

By Commission:

Q How long ago was it that you first saw Mary Nunn when she returned to the Creek Nation? A Between 5 and 6 years.

Q Did you know her as soon as you saw her? A Yes sir, I knowed her by she coming and inquiring for me, and her future; I believe she is my grand child.

Q Did you know her before she told you who she was? A No, she come hunting me and that's the way I come and found her.

Q When you first laid eyes on her did you know it was your grandchild?

A I believed she was the very same child that left me.

By Mr. Lieber:

Q You say that Mary was taken to Texas by her step-father? A By her father.

Q What was her father's name? A Her father's name was Lewis.

Q What was his given name? A All I know was Lewis; we never had no given name those days; just the first name.

Q You are satisfied that Mary Nunn is the daughter of your daughter, Miley, are you? A I am satisfied.

Q She is so recognized by all the members of your family? A Yes sir.

Q Nobody has ever doubted it that you know of? A No sir; have no reason.

By the Commission:

Q Were you ever called anything else besides Tally Lewis? A Nothing but Tally Lewis; my name in the Pension Office is nothing but Tally.

Q Is there anyone in your family known by the name of Columbus Lewis?

A Yes sir; he's not mine; there's Columbus, Caroline and Lizzie; they wasn't mine; their aunt was living with me then and their mother died and I just took them in with me.

Q Caroline was living with you? A Yes sir and Columbus and Lizzie; there was three children I was raising; then the kin folks come in and I turned them over to the kin folks. Just after the war that was.

Q Were you ever called Tyler Lewis? A My name's Tally.

Q Were you ever called Tyler? A Not as I know of; if its down there, its just a little mistake.

The Dunn Roll examined and the witness identified thereon at #546

Q Do you know of any others that were with you on the Dunn Roll? Besides Caroline and Lizzie and Miley and Columbus? A No.

Q Do you know Betsy Lewis? A That's my wife.

With him in the same family are found Betsy Lewis, Caroline Lewis, Sallie Lewis, Millie Lewis, Columbus Lewis and Lewis Lewis.

Q Now, have you any other relatives by the name of Lewis? A Caesar Lewis; that's my brother; he is not with me though.

Q Do you know anything about the dates of the birth of the children of Mary Munn? A Nothing at all; I raised up in the old days and never took record of nothing.

Q Were you living with her when the younger children, Marilda Lee and Matilda Dee Munn were born? A She aint been living with me; they are living on my land but I gets rent.

Q Were you living near them when Marilda and Matilda were born? A Yes sir; they rent from me; about a mile from me.

Q Did you see her shortly after the children were born? A Yes sir; I got one of them now.

Q About how old were these children when you first saw them? A I saw them about two weeks old.

Q Do you remember how long ago that was? A No sir, I didn't keep records.

Q Well, was it as much as five years ago? A I can't tell you about that.

Q Are you a farmer? A I used to; I aint now.

Q How long since you farmed? A So long I can't tell.

Q Have you helped anybody the last 4 years? A No sir; done stopped all my farming.

Q Well, have you no idea how long ago it was these children were born; was it as much as five years ago? A Well, I don't know sir.

Q Was it a year ago when you knew them? A Longer than that.

Q Well, was it last Christmas? A Way before that.

Q The Christmas before that? A Before that I guess.

Q About three Christmases ago? A Near about that I guess.

Q What time of the year were these children born? A About Spring.

Q Well, was it early Spring or late Spring? A Well, I don't know the month but it was cotton hoeing time; they were hoeing cotton.

Q Well, about how high was cotton? A When it was about 2 or 3 leaf high.

Q Do you hoe it a month after it is put in the ground? A Sometime before it is 2 or 3 months high; sometime you have to hoe it before it come up.

Q Was it warm weather when you first saw those children? A Well, it was warm weather because I had to go out and hire people to hoe.

Q You know when you have piconics the 4th of August? A Yes sir.

Q Was it that late? A No sir.

Q Well, was it the 4th of July? A No sir, before that.

Q You know when Decoration day comes? A No sir.

Q Do you know when Washington's Birth'ay comes? A No sir.

BY MR. LEIBER:

Q Are you sure it was cotton hoeing time when these twin children were born? A Yes, it surely must have been or very little before; cause I had to get out and hire hands when the old lady was unhelpless.

BY COMMISSION:

Q About what month of the year do you plant cotton? A Some say the month after March; I don't know the months.

Q Well, the month after March is April; do you plant cotton in April? A Yes, along in there; about the last of that month; I can't tell you one month's name from another; I know August cause we holds piconics.

Q You say these children were living before the 4th of August that year? A Yes sir, cause I recollect the mother brought them out to the 4th of August.

Q Do you recollect how old they were then; 4 or 5 months old? A I can't tell you.

Q Do you know whether they were as much as two months old? A No sir; all I know they were born cotton hoeing time.



-4-  
By MR. Lieber:

Q Tally, it was after the children were born that Nunn had to go out and get someone to help him with his cotton? A Yes sir; Mr. Spalding had to go and get hands to hoe for him, to help him hoe.

Q Then the children were born before that time? A Yes sir.

Q Did you know a child of Mary Nunn's named Mable? A Died in Texas. I don't know anything about that child.

Q Well, you say she came up here about five years ago; was it more or less than five? A About near five.

Q Did she come up in the Summer or winter or Spring or Fall? A Came here in Winter; a little before Christmas.

Q Do you remember the time when the Creek Land Office opened; when they first began filing? A I can't tell to save my life; I know I came here and filed.

Q About how long before you came here and filed did Mary Nunn come back from Texas? A She had been way before that.

Q Had she been here as much as two years? A I guess it was as much as 2 years; maybe a little more.

Q Was it as much as 3 years? A Yes sir.

Q You think she had been here about three years when you filed on your land? A Yes sir, I think so.

Q And she came back here in the winter? A She got here a little before Christmas.

The records of the Commission show that a citizenship certificate was issued to Tally Lewis March 13, 1902.

ROBERT J. MANUEL being duly sworn testified as follows:

Q What is your name? A Robert J. Manuel

Q How old are you? A Forty-five or six.

Q Are you a citizen of the Creek Nation? A Yes sir.

Q Do you know the applicant, in this case, Mary Nunn? A I know her name; yes sir.

Q Do you know her? A Yes sir.

Q How long have you known her? A 10 or 15 years or more.

Q 20 years? A Yes sir.

Q How old was she when you first knew her? A She was married when I met her.

Q When you first knew her how old was she? A She was a grown woman; a young woman.

Q That's about 20 years ago? A Nearly; yes sir.

Q Was she living in the Creek Nation at that time? A Yes sir; to my knowledge.

Q Living with her parents? A Yes sir.

Q What is the name of her father, do you know? A I don't know her father.

Q What is the name of her mother? A Miley.

Q Miley what? A Miley Lewis.

Q Did Mary Nunn ever live in the Creek Nation? A Not to my knowledge.

Q Has she lived here all the time you have known her? A Yes sir.

Q Where has she been living here in the Creek Nation? A Up here at Twine.

Q How long has she been living there? A Quite a number of years.

Q 20 years? A Not 20 years there.

Q As much as 10 years? A I suppose so; to my knowledge.

Q Where did she live before that? A Up beyond Okmulgee somewhere I think.



Q Have you during the past 15 or 20 years seen a good deal of Mary Nunn? A No sir, I didn't live in the same neighborhood she did.

Q Would you see her as often as once a year? A No sir, cause I was away.

Q How long have you been away? A I have been working about 2 or 3 years Southwest of Okmulgee, working; when the enrollment started I came in.

Q Did you know Mary Nunn when she was small child 2 or 3 years old? A I didn't see her when she was small; no sir.

Q Did you ever hear of her having been out of the Creek Nation? A No sir, not to my knowledge.

Q Did you see her during the past 15 or 20 years as often as once in two years? A No sir, I never visit round; stayed in one place; hired out working; her grandfather lived right here at Twine.

Q Did you see her as often as once in five years during the last 20 years? A I suppose so; I don't remember.

Q When you first knew Mary Nunn was she was living with her mother?

A The grandfather.

Q Did you ever know her when she was living with her mother? A No sir.

Q Did you ever know her mother, Miley? A No sir and I and her went to school together.

Q And you never knew this child, Mary? A No sir.

Q Did you know when Mary was born? A No sir, cause me and Miley separated when we left school.

Q When you first saw Mary Nunn then she was living with her grandfather?

A Yes sir.

Q How did you know she was the daughter of Miley Lewis? A I was told so.

Q You just know what you were told? A Yes sir.

Q You don't know anything about it yourself? A No sir.

Q Did you ever see Miley Lewis after the time she left school until she died? A I never saw her until she was dead.

Q You never knew her living- when she had children living with her?

A No sir.

By Mr. Leiber:

Q How long did you say you had known Mary Nunn, the applicant in this case? A I said maybe 15 or 20 years. I am not positive.

Q Do you know anything about figures? A Yes sir, I can figure a little.

Q Now how long has it been since you first saw Mary here in the Creek Nation? A Well, I just can't remember how long it was; the people never kept count of anything whatever; I can't remember.

Q You can figure about how many years back its been can't you? A Yes sir; when I first saw her she was married.; no, my memory won't serve me.

Q When you first saw her, she was married? A Yes sir.

Q And living with her grandfather? A Yes sir.

Q On her grandfather's place? A Yes sir.

Q And that was how long ago now? A I can't tell you how many years.

Q Well, now, it was after the land office opened, wasn't it, that you first saw her out there the first time? A Yes sir, about that.

Q Well, then, if the land office was opened only a little before 5 years ago, and you saw her the first time after the land office opened, then it couldn't have been 20 years ago? A No sir.

By Commission:

Q Were you living near Mary Nunn when these twin children, Marilda Lee and Matilda Dee Nunn, were born? A Yes sir.

Q How near were you living? A About a mile.

Q Do you remember the time when these children were born? A No sir, I don't remember.

Q Do you remember about how long ago it was? A No sir.

Q Was it as much as 5 years ago? A Not to my knowledge; I heard she had twins but for me to remember the time, I don't know.

Q About how old were they when you first saw them? A I never paid no attention to them children till this year.

Q Were they babies in arms when you first saw them or walking around?  
 A They were walking around when I first saw them; that's this year.  
 Q Do you remember hearing about it when they were born? A Yes sir.  
 Q Do you remember about what time of the year it was? A No sir.  
 Q Was it in Spring, Summer, Fall or Winter? A I can't remember whether it was in Spring or fall or winter.  
 Q Do you know whether it was cold weather? A It was mild; pleasant weather when I heard it.  
 Q Do you do any farming? A Yes sir.  
 Q Did you raise any crop the year these children were born? A Yes sir.  
 Q What crop? A Cotton.  
 Q Were you doing any work in the cotton field at that time? A I can't say.  
 Q Do you remember how high the cotton was then? A No sir.  
 Q Do you remember if it had been planted? A I can't tell you whether it was spring or fall.

HENRY MUNN being duly sworn testified as follows:

BY COMMISSION:

Q What is your name? A Henry Munn.  
 Q How old are you? A Will be 29 the 25th.  
 Q Are you a citizen of the Creek Nation? A No sir.  
 Q Are you the husband of Mary Munn, the applicant in this case? A Yes sir.  
 Q How long have you been married to him? A Eight years.  
 Q Where did you marry her? A In Texas.  
 Q How long did you live in Texas after you married her? A Three years; the fourth year we lived here.  
 Q Have you been in the Creek Nation ever since? A Yes sir.  
 Q Did you have a child named Nabel Munn? A Yes sir.  
 Q Where was Nabel Munn born? A In Texas.  
 Q How long did she live? A I can't tell exactly how long but she died in June 4; I am not certain; in Texas.  
 Q In what year? A June 4, 1899.  
 Q You say she died in Texas? A Yes sir.  
 Q And she was born in Texas? A Yes sir.  
 Q She lived in Texas all her life? A Yes sir; she was born in Texas; she lived in Texas all her life.  
 Q Do you remember how long after you returned from Texas that your twin children, Marilda Lee and Matilda Dee Munn were born? A They was born that following February; the next year.  
 Q After you returned? A Yes sir.  
 Q You say you returned to the Creek Nation in 1899, and they were born the following February? A Yes sir.  
 Q Are they living now? A Yes sir, the twins are living.  
 Q How old are they now? A Four years old; as near as I can come at it.  
 Q Are they more than 4 or less than 4? A I don't know sir; I never paid much attention to their age. Hardly ever think of it.  
 Q What time of the year was it you came back from Texas? A It was near Christmas. It was late in 1899.  
 Q Were your children born in the year 1900 or 1901? A They were born in 1901 in February.  
 Q Did you put down the date of their birth in any book? Make a record of it? A Yes sir.  
 Q Who did that? A I did.  
 Q How long after they were born? A The day they were born.  
 Q Is it in pencil or pen? A In pencil.  
 Q Did you look at that date before you made out the affidavits in this case? A Yes sir.



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Present June the 4-1901 by grandpapa

Q You say you got this book as a present from the grandfather? A No sir; he sent them a present on the 4th day of June.  
Q Did you write down the births of all your children when they were born? A No sir, I just wrote the twin babies.  
Q Who wrote the others? A My wife.  
Q She was in the habit of writing down the births of the children as soon as they were born? A Yes sir.  
Q How long after? A As soon as she could; as soon as she could remember.

BY MR. LISHER:

Q Why did you put down the names of the babies down here as just "Twin Babies"? A We hadn't named them and we was waiting for the grandfather to name them; he told me he would send the name and he sent us the name then.  
Q Did you get this book before your first child was born? A Yes sir, before I married; made my wife a present of it.  
Q When did you say they generally begin planting cotton here in this country? A Along about the middle or last of April.  
Q When do they begin planting corn? A Some the last part of ~~April~~ March, some not until the 1st of April.  
Q How they generally begin planting cotton immediately after they got their planting corn done, don't they? A Yes sir.  
Q According to this record, your daughter, Mabel, who is now deceased, was born on the 3rd day of November, 1898? A Yes sir.  
Q When did you say she died? A June the 4th.  
Q What year? A 1899.  
Q The following year? A Yes sir.  
Q Then the child didn't live to be a year old? A No sir.  
Q How long after Mabel died was it before you moved here to the Creek Nation? A We moved that same year.  
Q Then you moved here in the Creek Nation just before Christmas, 1899? A Yes sir.

MARY NUNN being duly sworn, testified as follows:

BY COMMISSION:

Q What is your name? A Mary Nunn.  
Q How old are you? A About 27.  
Q What is your post office address? A Twine.  
Q You have made application previously for the enrollment of yourself and children as Creek Freedmen? A Yes sir.  
Q Do you live on a farm? A Yes sir.  
Q When your children, Marilda Lee and Matilda Dee Nunn were born, do you remember whether cotton had been planted yet? A Just began planting cotton and corn.  
Q About what time of the year do they usually plant cotton? A Along in February, March or April; sometime in June.  
Q Do you know of any cotton planted down here as early as the month of February? A Yes sir; planted it myself nearly all till this year.  
Q But it's not usually planted that early? A Well, I don't know; lots of them plants it.  
Q Do you remember at the time these children were born whether it was cold weather? A Well, it was kind of fair; February wasn't so cold.  
Q Did you take your children to the celebration on August 4, of that year? A No sir, I don't know whether I did or not.

Q Do you know when Washington's birth day comes? A No sir.  
 Q Do you know anything about Washington's Birthday? A No sir; never heard of it.  
 Q You don't know what time of the year it is? A No sir.  
 Q Do you know anything about Decoration Day? Do you know when they decorate the soldiers' graves? A No sir.  
 Q Do you know anything about the 4th of July? A Yes sir,, I have seen them celebrate that day; I think this year.  
 Q Did you ever see them celebrate it before? A Yes sir, I think I seen them celebrate it in Texas.  
 Q Do you remember it being celebrated the year these children were born? A No sir, I don't remember; it might have been but I can't tell.  
 Q Where did you get this book that the births of the children are in? A I had it a year before I was married; yes sir, he give it to me before we was married.  
 Q Where was your child, Mabel Hunn, born? A I don't remember.  
 Q Was she born up here in the Creek Nation? A No siron my--she was born in Texas; there's three of them born in Texas.  
 Q Was she living when you came back to the Creek Nation? A No sir, dead.  
 Q When you testified here before you came in on August 31st of this year; you said at that time that Marilda Lee and Matilda Dee Hunn were three years old and two months; was that statement correct? A Yes sir, that's about the age; about three years and two months.  
 Q Where did you get those figures at that time? Did you look at anything to refresh your memory? A I looked at this; they were not named at that time, but on the day of the birth we called them twin, ones; we named them here about a year ago, Marilda Lee and Matilda Dee.  
 Q When you said they were 3 years and 2 months old in the month of August this year; had you been looking at that record before you came in? A No sir, I kind of guessed at it then most.  
 Q How many years old are they and months at the present time? A About 3 years and 3 or 6 months old now; no, about 3 years and 10 or 11 months old; something like that.  
 Q Now, I am not asking you the date of their birth; but how many months from now before they will be 4 years old? A Just a little better than 2 months-- no, it aint 2 months; its just about a month and a days.  
 Q Do you know of anybody in your neighborhood had children about the time these children were born? A No sir.  
 Q Know of any in the Creek Nation who died about the time they were born? A No sir.  
 Q Do you know of anyone besides yourself and husband who knows anything about the date of the birth of these children? A No sir.  
 Q Did you have anyone to nurse you while you were sick? A No sir; principally nursed myself.  
 Q Have you any sisters living? A No sir, haven't any sisters or brothers or nothing.

BY MR. LINBER:

Q How long was you sick the time the twins were born? How long that you had to stay in the house? A I just stayed in about a day; it's how come me sick right now.  
 Q You nursed yourself? A Just principally; me and my husband together.  
 Q Mary, was the record of the births of these children made at the time or soon after each child was born? A Yes sir; about the same day.

Henry G. Hains being sworn on his oath states that as stenographer to



Subscribed and sworn to before me this 27th day of December, 1900.

*Edward J. Sullivan*

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE-CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, MAY 20, 1905.

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In the matter of the application for the enrollment of  
Mary Munn, et al., as Creek Freedmen.

APPEARANCE: JOHN G. LIEMER, Attorney for applicants.

ABE PRINCE, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Abe Price.  
Q How old are you? A I can not say. I am about-- I call myself sixty years of age.  
Q What is your postoffice address? A Redbird.  
Q Are you a citizen of the Creek Nation? A Yes.  
Q Do you know Tally Lewis? A Yes.  
Q Do you know his children? A Yes.  
Q What were the names of his children that were living right after the war? A One they called Sally-- They had two I think but I was not acquainted with them. I did not go around there much. I know the children all right but I can not call them; I know that there were two more.  
Q Do you know Mary Munn? A I do not know her now; I used to know her when she was a child.  
Q Have you seen her in the last two years? A No.  
Q Have you seen her since she returned to the Creek Nation? A No.  
Q Was her name Mary Munn the last time you saw her? A It was Mary Munn the last time I saw her.  
Q Did she write you a letter? A No, Tally's daughter came over to hunt her people.  
Q Did you see her when she came hunting her people? A Yes, she came right to me.  
Q Did she tell you what her name was? A Yes, Maggie Robinson now.  
Q Do you know the applicant in this case, a person who calls herself Mary Munn? A No. I used to know her but have not seen her since she got grown.  
Q Do you know the woman who she says is her mother? A Yes, I know her.  
Q Is her mother in the Creek Nation now? A No, she is dead.  
Q How long has she been dead? A About twenty years.  
Q Did she go out of the Creek Nation with her? A No, she died here and Mary's dad took her out.  
Q Who is this person that calls herself Maggie Robinson? A That is Tally Lewis' daughter.



Nunn, et al.. #2.

EXAMINATION BY JOHN G. LINDER:

- Q How old was this child when her father took her out of the Creek Nation? A About one or two years; I am not certain.
- Q What name did they give that child if you know? A Mary.
- Q What was Mary's mother's name? A Let me see-- What was Mary's mother's name-- I know Mary's mother-- Let me see--
- Q Well, who did she marry? A She married a man; they called him Lewis.
- Q What was her given name? A Lewis.
- Q No, Mary's mother-- What did they call her? A I know her name just as good as I know the child's name-- better than I know the child's name. Let me see-- Wiley.
- Q About what time was it that Mary's father took her out of the Creek Nation? A This Missouri, Kansas and Texas Railway here they were building it then.
- Q Building it through the Territory at that time? A Yes, through the Territory.
- Q You have never seen Mary since then? A No.
- Q When did you first hear that she had returned to the Creek Nation? A Last year.
- Q Who told you about it? A Maggie Robinson.
- Q That is Tally Lewis' daughter that you were speaking about awhile ago? A Yes.
- Q How did she happen to tell you that Mary had returned to the Creek Nation? A I was asking her about the people on this side of the River and she said like this: "I saw one of my Pa's granddaughters". I asked her where she was and she said she was coming on to this country.
- Q How did you make out that this woman that she was speaking about was the same child that was taken away from here when that M. K. & T. Ry. was being built through here? A When she told about the child I studied back about the child that was taken away from here and thought that it was the same one.
- Q What relation are you to Tally Lewis? A Second Cousin.
- Q Are you well acquainted with the family of Tally Lewis? A Yes.
- Q How long have you been acquainted? A Before the War.
- Q Is this woman, Mary Nunn, recognized by Tally Lewis' family as one of the family? A Yes.
- Q Did you ever hear any of them deny that she was the same child that was taken away from here by her father? A Never heard it.

EXAMINATION BY THE COMMISSION.

- Q Have you seen this Mary Nunn since she returned to the Creek Nation? A No.
- Q How long ago since she was taken out by her father? A She was taken out at the time they were building this M.K.&T. Ry. through here.
- Q Do you know how long ago that was? A Not exactly.
- Q How long after the war was it? A A long time.
- Q And she was a little child then was she? A About one or two years old.
- Q Was her mother dead when she was taken out of the Creek Nation? A Yes.

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- Q You say her mother was dead when she was taken out of the Creek Nation? A Yes, that is how come her father to carry her out on account of her mother being dead.

Eern Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in case.

Subscribed and sworn  
to before me this 20th  
day of May, 1906.

Jess Ellen Parrish

E. J. Williams

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 24, 1905.

In the matter of the application for the enrollment of Mary Nunn, et al. as Creek Freedmen.

APPEARANCE: John G. Lieber, Attorney for the Applicant.

T. W. Tolbert, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

Q What is your name? A T. W. Tolbert.

Q What is your age? A 48.

Q What is your postoffice? A Muskogee.

BY MR. LIEBER:

Q Are you acquainted with Mary Nunn, the applicant in this case? A Yes sir.

Q How long have you known her? A Ever since she was a small girl. Don't remember how long.

Q About how old? A Like about may be eight or ten years old. I couldn't say for a certainty.

Q Do you know her husband, Henry Nunn? A Yes sir.

Q Did you know her father? A Yes sir.

Q What was his name? A He had two names. They called him sometimes Henry Tony; sometimes Henry Lewis.

Q Were you ~~well~~ very well acquainted with him? A Yes sir.

Q Where did you first become acquainted with him? A I don't know the first place that I got acquainted with him. I don't know for certain. It was in Washington County, somewhere along there.

Q What state? A Texas.

Q Did you have any talk with him down there about this country, back here? A Yes sir.

Q What, if anything, did he ever tell you about this being his home or anything with reference to this country back here?

A He told me that he left here, didn't say when he left and told me that he was coming back here, he said he had rights here and his wife had rights, he was coming back, and if he came back he wanted his children to come back. Said his wife had some kin-folks here; old man Tally Lewis was her father.

Q He told you that in Texas? A Yes, sir; several times.

Q What, if anything, did you ever hear him say about Mary Nunn's? A Said it was old man Tally Lewis's daughter.

Q Tally Lewis's daughter? A Yes sir.

(mother?)

Q She died before he went down to Texas? A Yes sir.

Q You don't know anything about Mary's mother? A No sir.

Q How long have you known Mary's husband, Henry Nunn? A Before he was grown. Before either of us were grown.

Q Did you know him before he was married? A Yes sir.

Q When did you leave Texas and come here to this country? A

The first time I left was in 1898.

Q What month? A In August.

Q Came up here in the Creek Nation, did you? A Yes sir.

Q When you got up here, did you have any correspondence with Henry Nunn here or his wife, Mary? A They were not here then.

Q Did you write to them any after you got here? A I wrote them in '99.

Q But not in 1898? A No sir.

Q Did you ever know a child of theirs by the name of Mabel Nunn? A Yes sir.

Q When did you first know that child? A It was last fall when I first knowed her. I think it was in '89, if I am not mistaken.

Q '89 or '99? A '99.

Q Do you mean that you know this child Mabel last fall? A No, sir; I didn't say that.

Q Do you know when that child died? A I know directly after it died.

Q How do you happen to know about the death? A I came to the house and stayed all night. I asked him where was the little girl and he said it was dead. I asked him when it died and said it died in June.

Q In what year was that? A In '99.

Q Have you seen this child, then, prior to that time? A Yes sir.

Q How long before that was that you had seen it, this child?

A I seen the child all the way in April, 1899.

Q 1899? A 1899.

Q It was in April, then, before June? A I was there in June. I might have been after that, I am not certain; I don't know, though. I was in June.

Q Was there in April? A Yes sir.

Q Do you know anything about when that child was born? A No sir.

Q You say you left Texas and came to this country in August, 1898; was that child born when you came up here? A Yes sir. It was born that October after I went back. It was not born when I came here.

Q When you came up here the first time in 1898, how long a time is it--15th of August to the 15th of November--October? When you came here in August did this child--wasn't this child born when you went back in October? A When I was delivering again the child was born.

Q When did you first see them when you went back there? A Somewhere's in February; about February. I was delivering some books at their house.

Q The child was there, then living? A Yes sir.

Q Now, you said you first came up here in August, 1898, and then went back there in October, 1898; was it the following February that you were at their house, delivering their books? A It was in 1899. That is, when I went by their house.

Q And the child was there? A Yes sir.

Q What size child was it? A It was a good-sized child.

Q Three or four months old? A Yes sir.

Q When did you come back to the Creek Nation again? A In August, 1899.

Q You may tell the Commission as to what, if any, ~~letters~~ correspondence and letters you wrote back to those people with reference to their people in this country.

A When I went down there they asked me to see if I can find some of the people there, and when I came back up here, I guess out on Cane Creek and found old man Tally Lewis and Boss Strahan he was

Harry Huan, of Al., .....

telling me about old man Tally Lewis and got to talking to Mr. Lewis, and he told me that a grand-daughter down there in Texas, he said he didn't know what she was in the name of her father. Harry Huan tells me about it, and he told me that he wrote him a letter, said he was coming up here, and when I was down here again he was here.

Q When you had that talk with Tally Lewis about his having a grandchild in Texas, did he tell you anything about how she lost her? A He told me, but I forgot about it.

Q After you had that talk with Tally, how was it? did you write to Harry about it? A I told him I had found his wife's grand-father, I reckon.

Q From the talk you had with Tally Lewis, you judge that that was the child he was talking about? A Yes sir.

Q And you later found him in the Greek Nation? A Yes sir.

Q When was it that you first saw Harry Huan and his wife here in the street? A I think it was in 1901.

Q 1901. A I think so. I have been acquainted with them ever since that time, Harry too.

Q Do you know their children, Lucille Lee and Lucille Lee Huan? A Yes sir.

Q Do you know what their children were doing? A He told me they were both studying at the law school in Alabama, both at the law school in Alabama, both at the law school in Alabama.

Q And you saw them at that time? A Yes.

Q And he the children at that time? A Yes sir.

Q Now he would see him at that time you saw them, on the 1st of September? A Yes, at that time, I think.

Q Had you been to a party where he was at that time? A Yes sir.

Q How long after that time was it that you had been to Harry's home? A About the 1st of September.

Q The children were not here at that time? A No, they were not.

Q They were then at the National Hotel, part of January, 1901? A Yes, the 1st of January, 1901.

Q And the 1st of January, 1901. A Yes sir.

BY THE COURT: Q Now you saw Harry Huan in Texas? A Yes sir.

Q And that he had talked with you about his family here in the street? A Yes sir.

Q Did he tell you the names of any members of his family? A Yes, he told me that his father told him.

Q Before you came here to the Greek Nation, he told you the names? A Yes sir.

Q And Harry told you that he would get you out one of the children and take to the Greek Nation? A Yes sir.

Q Did you see the name of the child Lewis told you? A Yes sir.

Q That child was the one who was to be his grand-father? A Yes sir.

Q When you saw him, did he tell you, if the Greek Nation, did he tell you the name of his grand-father that was in Texas? A Yes sir.

Q Did he tell you the name of that child's mother? A He told me I don't remember his name at all, but now I paid pretty little attention to it. It was a poor white man.

Q Now you saw him at the Greek Nation? A Yes sir.

Q And you saw him at the Greek Nation? A Yes sir.

Q And you saw him at the Greek Nation? A Yes sir.

Q And you saw him at the Greek Nation? A Yes sir.

Q And you saw him at the Greek Nation? A Yes sir.

Q And you saw him at the Greek Nation? A Yes sir.



Mary Munn, et al-----d,

Q If Mary Munn had told you that her grand-father's name was Tally Lewis, that she had left the Creek Nation when she was a small child and gone down to Texas, and when you came up to the Creek Nation you found this man, Tally Lewis, living, and he said that he had a grand-daughter named Mary Munn, that she left the Creek Nation when she was a small child and went down to Texas, would you feel sure about that they were the same people that you saw? A I feel pretty sure, but would not know.

Q This child Mabel Munn--were you present when she died? A No, sir.

Q Did you see her about the time she died? A No sir. She died on the 10th. I was there on the 15th.

Q Of the same month? A Yes, sir.

Q What month? A June.

Q Where was that? A Texas.

Q You knew what county in Texas? A No sir,--Washington.

Q Was that before Mary Munn came back to the Creek Nation?

A Yes sir.

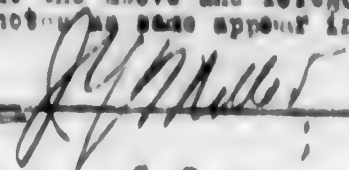
Q You are sure of that? A Yes sir.

Q The child was born in Texas and died in Texas? A Yes sir.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed before me  
this 10th day of May, 1905

  
J. Y. Miller  
Notary Public.

82

CREEK ENROLLMENT CASE NO. 693.

The decision herein admitting Mary, Corrie, Blanche, Marilda Lee and Matilda Dee Nunn is in accordance with the several laws referred to, and is supported by the evidence.

As to Mabel Nunn, deceased, who is denied herein, there may arise some doubt as to the correctness of this finding. Mabel was born in Texas prior to April 1, 1899, and died subsequent thereto, in Texas. She at no time ever resided in the Indian Territory and by reason thereof can she be enrolled as a citizen of the Creek Nation? The Curtis Act (June 28, 1898) provides that "No person shall be enrolled who has not heretofore removed and in good faith settled in the nation in which he claims citizenship." Mabel was born subsequent to June 28, 1898, hence this provision can not apply to her. Section 29 of the Creek Treaty, approved March 1, 1901, provides that "Said Commission shall have authority to enroll as Creek citizens. . . . such other recognized citizens found on the Creek Rolls as might by reason of non-residence be excluded from enrollment (under the Curtis Act); Provided, that said non-residents shall, in good faith, remove to the Creek Nation before said Commission shall complete the rolls of Creek citizens. . . ." "Creek Rolls will be construed to mean the last authenticated rolls of each tribe, and the descendants of those appearing on such rolls.

Therefore we must conclude that all the applicants herein are on the Creek Rolls, being descendants of a Dunn Roll member. Mary, Corrie and Blanche have in good faith removed, etc. Marilda Lee and Matilda Dee were born in the Creek Nation and have never removed therefrom. Mabel was born, and died, in Texas, never having

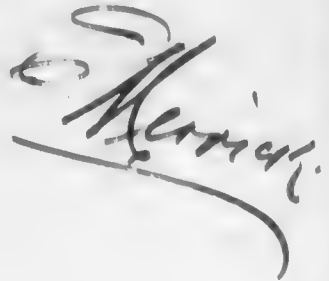


resided in the Indian Territory, therefore she never in good faith removed, etc., and consequently not entitled to enrollment.

It will be observed that were it not for the provision of Section 20 of the Creek Treaty, approved March 1, 1901, above quoted, none of the applicants herein would be entitled to enrollment. This latter provision is supplementary to that provision in the Curtis Act, which provides that all non resident citizens must have removed, and in good faith, settled in the nation prior to the approval of the Curtis Act.

I believe the decision herein is correct and in accordance with the law and evidence should be approved by the Department.

Dated August 22, 1905.

A handwritten signature in dark ink, appearing to read "E. H. Meritt", with a long, sweeping underline.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary, Corrie, Blanche, Marilda Lee, Matilda Dee and Mabel Nunn, deceased, as Creek Freedmen.

DECISION.

The record in this case shows that on August 31, 1904, Mary Nunn appeared before the Commission to the Five Civilized at Muskogee, Indian Territory, and made application for the enrollment of herself and her five minor children, Corrie Nunn, Blanche Nunn, Marilda Lee Nunn, Matilda Dee Nunn and Mabel Nunn, deceased, as Creek Freedmen.

Further proceedings were had December 22, 1904, May 20, and May 24, 1905.

The evidence shows that said Mary Nunn was about twenty seven years old at the date of the application herein, that she is the daughter of Wiley Lewis, and that the name of said Wiley Lewis appears on the roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867.

The evidence further shows that said Corrie Nunn, Blanche Nunn, Marilda Lee Nunn, Matilda Dee Nunn and Mabel Nunn, deceased, are the children of said Mary Nunn; that said Corrie Nunn was born prior to April 1, 1899, and was living at the date of the application herein; that said Blanche Nunn was born prior to July 1, 1900, and was living at the date of the application herein; that said Marilda Lee Nunn and Matilda Dee Nunn were born prior to May 25, 1901, and were living at the date of the application herein; that said Mabel Nunn, deceased, was born during the year 1898, and that she died June 10, 1899.

The evidence further shows that said Mary Nunn, Corrie Nunn and Blanche Nunn have in good faith removed to the Creek Nation from the State of Texas, where they formerly resided; that said Mabel Nunn, deceased, lived in the State of Texas all her life and that she died in said State prior to the removal of her mother to the Creek Nation, and that said Marilda Lee Nunn and said Matilda Dee Nunn have been residents of the Creek Nation all their lives.

It is, therefore, ordered and adjudged that said Mary Nunn and Corrie Nunn are entitled to be enrolled as Creek Freedmen, in accordance with the provisions of the acts of Congress, June 20, 1898 (30 Stats., 498) and March 1, 1901 (31 Stats., 861), that said Blanche Nunn is entitled to be enrolled as a Creek Freedman, in accordance with the provisions of the acts of Congress of March 1, 1901 (31 Stats., 861), and June 30, 1902 (32 Stats., 800), and that said Marilda Lee Nunn and Matilda Dee Nunn are entitled to be enrolled as Creek Freedmen, in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stats., 800), and the application for their enrollment as such is accordingly granted.

It is further ordered and adjudged that there is no authority of law for the enrollment of said Mabel Mann, deceased, as a Creek Freedman, and the application for her enrollment as such is accordingly denied.

  
COMMISSIONER

Muskogee, Indian Territory,

OCT 12 1905

Muskogee, Indian Territory, November 17, 1904

John G. Fisher,  
Attorney for Mary Nun, et al.,  
Muskogee, Indian Territory.

Dear Sir:

August 21, 1904, Mary Nun appeared before the Commission and made application for the enrollment of herself and her four minor children as Creek Freedmen. The record shows that you appeared as her attorney. At the conclusion of the evidence offered at that time, the case was continued upon your request.

You are hereby notified that the applicant will be allowed thirty days from date within which to submit additional evidence, and, if no evidence be submitted within the time mentioned, the case will be adjudicated upon the record now before the Commission.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 8, 1908.

Mary Nunn,

Taft, Indian Territory,

Dear Madam:

The Commission desires further evidence in the matter of the application for the enrollment of yourself and minor children as Creek Freedmen.

You are required to appear before the Commission, at its office, in Muskogee, Indian Territory, within thirty days from date, with witnesses who know the date of the birth of your twin children, Marilda Lee and Matilda Dee Nunn, and the birth and death of your child, Mabel Nunn. You are also required to furnish the testimony of members of the family of Tally Lewis, other than Tally Lewis himself, who can identify you as the person you claim to be.

Respectfully,

Registrar.

Commissioner in Charge.

Muskogee, Indian Territory, May 8, 1908.

John G. Lieber,

Attorney for Mary Nunn, et al.,

Muskogee, Indian Territory.

Sir:

The Commission desires further evidence in the matter of the application for the enrollment of Mary Nunn, et al. as Creek Freedmen.

Said Mary Nunn has this day been notified to appear before the Commission, at its office, in Muskogee, Indian Territory, within thirty days from date, with witnesses who knew the date of the birth of her twin children, Marilda Lee and Matilda Dee Nunn, and the birth and death of her child, Mabel Nunn. She has also been notified that she is required to furnish the testimony of members of the family of Rully Lewis, other than Rully Lewis himself, who can identify her as the person she claims to be.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, May 8, 1908.

M. L. Nett,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

The Commission desires further evidence in the matter of the application for the enrolment of Mary Nunn, et al. as Creek Freedmen.

Said Mary Nunn has this day been notified to appear before the Commission, at its office, in Muskogee, Indian Territory, within thirty days from date, with witnesses who knew the date of the birth of her twin children, Marilda Lee and Matilda Dee Nunn, and the birth and death of her child, Mabel Nunn. She has also been notified that she is required to furnish the testimony of members of the family of Tally Lewis, other than Tally Lewis himself, who can identify her as the person she claims to be.

A copy of the testimony in the case is enclosed herewith.

Respectfully,

Commissioner in Charge.



Muskogee, Indian Territory, June 9, 1908.

John S. Lister,

Attorney for Mary Mann, et al.,  
Muskogee, Indian Territory.

Dear Sir:

In compliance with your verbal request of June 7, 1908, there is herewith enclosed a copy of the testimony taken May 20, 1908, in the matter of the application for the enrollment of Mary Mann, et al. as Creek Freedmen.

Respectfully,

Chairman.

JTM-9-1

Gr.Mn:006

Muskogee, Indian Territory, October 13, 1906.

John A. Zieher,  
Attorney for Mary Munn,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Mary Munn, et al., as Creek freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-10-13-3

Cy. No. 698

Muskogee, Indian Territory, October 13, 1906.

M. E. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Mary Munn and her children, Gerrie, Blanche, Marilda Lee, Matilda Dee and Mabel Munn, deceased, as Creek freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-10-13-2

Gr. No. 603

Muskogee, Indian Territory, October 13, 1908.

Mary Nunn,

Taft, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, Corrie, Blanche, Marilda Lee, Matilda Dee and Mabel Nunn, deceased, as Creek freedmen, enrolling yourself and minor children, Corrie, Blanche, Matilda Lee and Matilda Dee Nunn, and denying enrollment to Mabel Nunn, deceased.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

AG-10-13-1

Commissioner.

Gr. In. 608

Muskogee, Indian Territory, October 12, 1908.

The Honorable,

The Secretary of the Interior.

SIR:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Mary Kunn, et al. as Creek Freedmen, including the decision of the Commissioner to the Five Civilized Tribes, dated October 14, 1908, enrolling Mary, Berrie, Menche, Marilda Jew and Matilda Jew Kunn and denying enrollment to Mahel Kunn, deceased.

Respectfully,

Commissioner.

Through the  
Commissioner of Indian Affairs.

AG-10-11-4

Report in reply to the  
following: Land  
88708-1908

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, Nov. 11, 1908.

The Honorable,  
The Secretary of the Interior,  
Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated October 18, 1908, transmitting the record of the application for enrollment as Creek freedmen by Mary Nunn, for herself and her five minor children, Corrie, Blanche, Marilda Lee, Matilda Dee and Mabel Nunn, deceased.

October 18, 1908, the Commissioner decided favorably to Mary, Corrie, Blanche, Marilda Lee and Matilda Dee Nunn, and adversely to Mabel Nunn, deceased.

The record shows that on the date of the application, on August 31, 1904, the principal applicant was about twenty seven years old; that she is the daughter of Wiley Lewis, whose name appears on the Dunn roll of Creek freedmen. It is further shown that Corrie, Blanche, Marilda Lee, Matilda Dee and Mabel Nunn, deceased, are her children; that Mabel Nunn was born in Texas, during the year 1898 and died there June 10, 1899; that Marilda Lee and Matilda Dee were born in the Creek Nation prior to May 25, 1901 and were living on August 31, 1904, that Blanche Nunn was born prior to July 1, 1900 and was living on August 31, 1904; and that Corrie Nunn was born prior to April 1, 1899 and was living on August 31, 1904.

In view of the record and of the Act of June 28, 1898(30 Stat. 495) Mary and Corrie Nunn, and the Act of March 1, 1901(31 Stat. 861) Blanche Nunn, and of the Act of June 30, 1902(34 Stat. 500) Marilda Lee and Matilda Dee Nunn, the approval of the Commissioner's decision favorable to them and adverse to Mabel Nunn, deceased, is recommended.

MOON NL

Very respectfully,  
C.F. Larrabee, Acting Commissioner

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D. 14988-1908  
IRS

November 22, 1908

OR  
11/2

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.  
Sir:

October 13, 1908, you transmitted the record in the matter of the application of Mary Nunn for the enrollment of herself and her five minor children, Corrie, blanche, Marilda Lee, Matilda Dee and Mabel (deceased) Nunn, as Creek freedmen, including your decision dated October 13, 1908, favorable to all the applicants except Mabel Nunn (deceased).

Reporting November 11, 1908, the Acting Commissioner of Indian Affairs recommended that your decision, favorable to all the applicants except Mabel Nunn (deceased) be approved. A copy of his letter is inclosed.

In the absence of any objection to the enrollment of applicants by the Creek Nation, and in accordance with the views of the Assistant Attorney General for this Department in his approved opinions in the cases of James M. Barber et al., applicant for enrollment as citizens by blood of the Creek Nation, dated September 2, 1904 (I.T.D. 7140-1904), construing section 1 of the act of Creek Council approved October 26, 1869, and the case of James Rhea et al., dated February 8, 1904 (I.T.D. 1078-1904), construing the residence clause of the Curtis Act, your decision dated October 13, 1908, admitting all the aforementioned applicants except Mabel Nunn (deceased) as Creek freedmen is hereby affirmed.

Respectfully,

Thos. Ryan  
First Assistant Secretary



**En. 003**

**Muskogee, Indian Territory, November 22, 1905.**

**Mary Wynn,**

**Care Tally Lewis,**

**Taft, Indian Territory.**

**Dear Madam:**

You are hereby notified that under date of November 22, 1905, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 18, 1905, enrolling you and your minor children, Gerrie, Blanche, Mariada Tee and Matilda Tee Wynn as Creek freedmen, and denying the application made by you for the enrollment of your minor child, Mabel Wynn, deceased, as a Creek freedman.

**Respectfully,**

**Acting Commissioner.**

En. 003

Muskogee, Indian Territory, November 28, 1905.

John G. Zieher,

Attorney for Mary Wynn et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that under date of November 22, 1905, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1905, enrolling Mary Wynn and her minor children, Corrie, Blanche, Marilda Joe and Matilda Joe Wynn as Creek freedmen, and denying the application made by Mary Wynn for the enrollment of her minor child, Mabel Wynn, deceased, as a Creek freedman.

Respectfully,

Acting Commissioner.

En. 693

Muskogee, Indian Territory, November 28, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that under date of November 22, 1905, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1905, enrolling Mary Nunn and her minor children, Corrie, Blanche, Marilda Lee and Matilda Dee Funn as Creek freedmen, and denying the application made by Mary Nunn for the enrollment of her minor child, Mabel Nunn, deceased, as a Creek freedman.

Respectfully,

Acting Commissioner.

Or Ma 695

Muskogee, Indian Territory, January 10, 1906.

Mary Kunn,

Taft, Indian Territory.

Dear Madam:

You are hereby advised that your name and the names of your minor children, Gerrie, Blanche, Matilda Lee and Matilda Bee Kunn, are contained in the partial list of Creek Freedmen approved by the Secretary of the Interior January 4, 1906, and that application for selections of land in the Creek Nation for yourself and your said children may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

OF AN 898

Muskogee, Indian Territory, January 10, 1906.

John O. Lieber,

Attorney for Mary Gunn, et al.,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the names of Mary, Urrin, Hiansha, Matilda Lee and Matilda Dee Gunn are contained in the partial list of Creek Freedmen approved by the Secretary of the Interior January 4, 1906, and that application for allocations of land in the Creek Nation for the above named persons may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 694

CR EN 694

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T., August 31, 1904.

In the matter of the application for the enrollment of Carrie  
Dudley et al., as Creek Freedmen.

APPEARANCES: M. L. Mott Attorney for Creek Nation.

CARRIE DUDLEY, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Carrie Dudley.  
Q What is your age? A I can't tell you.  
Q Well, about how old are you? A About sixty.  
Q What is your post office? A Oktaha.  
Q You desire to make application for the enrollment of yourself as  
a Creek Freedman do you? A Yes, sir.  
Q Have you any children for whom you wish to make application? A  
Yes, sir, I have ten.  
Q What is the name of the eldest? A John Martin.  
Q How old is he? A I-----about thirty.  
Q Where does he live? A In Texas.  
Q Has he any children? A Yes, sir, got eleven.  
Q Is he sick? A Yes, sir, he left here sick. He come up here and  
went home sick.  
Q Has John Martin any children living? A Yes, he has got 11.  
Q What is the name of the eldest? A Lissie Johnson.  
Q How old is she? A About 22.  
Q What is the next? A George Martin.  
Q How old is he? A Seventeen.  
Q What is the next? A Elridge.  
Q How old is he? A 16.  
Q Next? A Jesse.  
Q How old is he? A 13.  
Q Next? A Laura Martin.  
Q How old is she? A 14 or 15.  
Q Next? A Tom.  
Q How old is Tom? A 12.  
Q What is the next one after Tom? A Hugh.  
Q How old is he? A 10.  
Q Next? A Alice.  
Q How old is Alice? A 7.  
Q Next? A Lucile.  
Q How old is she? A 3.  
Q Next? A Ben and Spot, two twins.  
Q How old are they? A I don't know just exactly.  
Q Do all of these children live with John Martin in Texas? A All  
but one, but the married daughter.  
Q What is the name of that one? A Lissie Johnson.  
Q Lissie Johnson has no children for whom you wish to apply? A No,  
sir.  
Q Who is the mother of all these children? A Mollie Martin.  
Q Is she a citizen of the Creek Nation? A No, sir.  
Q State woman? A Yes, sir. Lives in Texas.  
Q Any rights that John Martin and his children may have in the Creek  
Nation is derived through you alone is it? A Yes, sir.  
Q What is your next child after John? A Tom Thomas.



Q How old is Tom Thomas? A He is about 28.  
Q Where does he live? A Texas.  
Q What is his post office address? A Rockwall.  
Q Has he any children? A Yes, sir, he has seven.  
Q What is the name of the oldest? A Alex Thomas.  
Q How old is he? A 14.  
Q What is the next? A Perry Thomas.  
Q How old is he? A 9.  
Q What is the next? A Rosie.  
Q How old is she? A 6.  
Q What is the next? A Mammie.  
Q How old is she? A 5.  
Q What is the name of the next? A Mabel.  
Q How old is she? A Three, the others are too young.  
Q Do all these children live with Tom Thomas in Texas? A Yes, sir.  
Q What is the name of their mother? A Georgia Thomas.  
Q Is she a citizen of the Creek Nation? A No, sir.  
Q Any rights these children may have in the Creek Nation they get through Tom Thomas alone? A Yes, sir.  
Q Tom Thomas is your child is he? A Yes, sir.  
Q Who is the father of Tom Thomas? A Primus Thomas.  
Q Is he a citizen of the Creek Nation? A Yes, sir.  
Q Is he living or dead? A He is dead.  
Q Do you know what Indian Town you belong to? A I don't know.  
Q What is your next child's name? A Sillie Weakley.  
Q How old is Sillie Weakley? A She is about 38.  
Q Where does she live? A Near Oktaha.  
Q Is she married? A Yes, sir.  
Q What is the name of her husband? A Will Weakley.  
Q Is he a citizen of the Creek Nation? A Yes, sir.  
Q Has Sillie Weakley any children for whom you want to make application? A Yes, sir.  
Q What is the name of the oldest? A Walter Weakley.  
Q How old is he? A He is about 21.  
Q Has he any children? A No, sir.  
Q What is the name of the next? A Tee Weakley.  
Q How old is he? A He is 20.  
Q What is her next child? A Frank.  
Q How old is he? A 18.  
Q What is the next? A Jessie Weakley.  
Q Is that a girl or boy? A Girl.  
Q How old is she? A 19.  
Q Has she got any children? A No, sir.  
Q What is the name of the next? A George?  
Q How old is he? A 15.  
Q What is the next one? A That is all.  
Q With whom do these children live? A With Sillie Weakley and Will Weakley.  
Q Near Oktaha in the Creek Nation? A Yes, sir.  
Q Did you say that Will Weakley is a citizen of the Creek Nation?  
A Yes, sir.  
Q Any rights that Sillie Weakley might have in the Creek Nation come through you do they? A Yes, sir.  
Q Do you know what town Will Weakley belongs to? A I don't know.  
Q What is the name of your next child? A Josie Jones.  
Q Is she married? A Yes, sir.  
Q Has she got some children? A Yes, sir, two.  
Q How old is Josie? A About 18.  
Q Is Josie Jones your child? A Yes, sir.  
Q Where does she live? A In Texas.  
Q Who is the father of Josie Jones? A Dudley was her father.  
Q What is her husband's name? A Henry Jones.  
Q Is he a citizen of the Creek Nation? A No, sir.  
Q What is her oldest child's name? A Mattie.

Q Now old is Hattie? A 24.  
Q What is the next? A Annie.  
Q Now old is she? A 18.  
Q That is all is it? A Yes, sir.  
Q What is the name of your child next to Jessie? A Will Dudley.  
Q Now old is Will Dudley? A 20.  
Q Where does he live? A In Texas.  
Q Will Dudley has no children for whom you wish to make application?  
A No, sir.  
Q What is the name of your next child? A George. He is 22.  
Q George has no children for whom you wish to apply? A No, sir.  
Q What is the name of your next child? A Wesley.  
Q Now old is he? A 22.  
Q Has Wesley any children for whom you wish to apply? A No, sir.  
Q Any others? A Irene.  
Q Now old is Irene? A 21.  
Q Has she any children for whom you wish to apply? A No, sir.  
Q What is the name of the next? A That is all of my children.  
Q Have you a child dead? A Yes, sir.  
Q What is its name? A Minnie Hamm.  
Q Did Minnie Hamm leave any children when she died? A Yes, one.  
Q What is its name? A Blanche Hamm.  
Q Now old is she? A 14.  
Q Did she leave any others? A No, sir.  
Q Was Blanche Hamm's father a citizen of the Creek Nation? A No.  
Q Was he a state man? A Yes, sir.

This case is continued for further evidence.

-----101-----

I, Drennan C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 27<sup>th</sup> day of September, 1904.

J. M. [Signature]  
Notary Public.

No. 894.

I.D.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-101-

In the matter of the application for the enrollment of  
Garrie Dudley, et al., as Creek Freedmen.

-1 SUPPLEMENTAL STATEMENT:-

Roll of Creek Freedmen made by J. W. Dunn prior to March  
16, 1887, examined and Garrie Dudley, Primus Thomas and Will  
Weakley, or any of them, not identified on said Roll.

Tribal Rolls of the Creek Nation in the possession of the  
Commission examined and none of the applicants herein, nor Will  
Weakley, nor Primus Thomas identified on any of said Rolls.

Record of the proceedings of the Colbert Commission in the  
possession of the Commission examined and it does not appear  
that any application was made to said Colbert Commission for the  
admission of the applicants herein, or any of them, or Will  
Weakley, or Primus Thomas to citizenship in the Creek Nation.

Records of the proceedings of the Commission to the Five  
Civilized Tribes under authority of the act of Congress of June  
10, 1888, examined and it does not appear that application was  
made to said Commission for the admission of the applicants  
herein, or any of them, or Will Weakley, or Primus Thomas to  
citizenship in the Creek Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
Commissioner.

Wastogee, Indian Territory,

February 6, 1908.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:O:-

In the matter of the application for the enrollment of Carrie Dudley, John Martin, Lizzie Johnson, George Martin, Elridge Martin, Jesse Martin, Laura Martin, Tom Martin, Hugh Martin, Alice Martin, Lucile Martin, Bum Martin, Spot Martin, Tom Thomas, Alex Thomas, Perry Thomas, Rosie Thomas, Mammie Thomas, Mabel Thomas, Billie Weakley, Walter Weakley, Tee Weakley, Frank Weakley, Jessie Weakley, George Weakley, Josie Jones, Hattie Jones, Annie Jones, Will Dudley, George Dudley, Wesley Dudley, Irene Dudley, Minnie Hamm, deceased, and Blanche Hamm as Creek Freedmen.

-: D E C I S I O N :-

The record in this case shows that on August 31, 1904, Carrie Dudley appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself, her son John Martin, his daughter Lizzie Johnson and his ten minor children, George Martin, Elridge Martin, Jesse Martin, Laura Martin, Tom Martin, Hugh Martin, Alice Martin, Lucile Martin, Bum Martin and Spot Martin, her son Tom Thomas and his five minor children, Alex Thomas, Perry Thomas, Rosie Thomas, Mammie Thomas and Mabel Thomas, her daughter Billie Weakley and her five minor children, Walter Weakley, Tee Weakley, Frank Weakley, Jessie Weakley and George Weakley, her daughter Josie Jones and her two minor children, Hattie Jones and Annie Jones, her sons, Will Dudley, George Dudley and Wesley Dudley, her daughter, Irene Dudley, her deceased daughter Minnie Hamm and her minor child, Blanche Hamm, as Creek Freedmen.

Further proceedings were had February 6, 1905.

At the conclusion of the testimony of August 31, 1904, this case was continued for further evidence. No further evidence has been offered by the applicants.

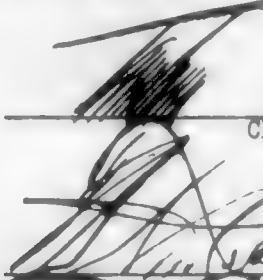
The evidence shows that said Carrie Dudley was sixty years old at the date of the application herein and that she is not identified on the Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867; that the other applicants herein are the children and grandchildren of said Carrie Dudley and that they, or any of them, are not the descendants of a person whose name appears on said Dunn Roll; that said George Martin, Elridge Martin, Jesse Martin, Laura Martin, Tom Martin, Hugh Martin, Alice Martin, Lucile Martin, Bum Martin and Spot Martin are the minor children of said John Martin and that no claim is made that the mother of said minor children is entitled to enrollment as a citizen of the Creek Nation; that said Alex Thomas, Perry Thomas, Rosie Thomas, Mammie Thomas and Mabel Thomas are the minor children of said Tom Thomas, and that no claim is made that the mother of said minor children is entitled to enrollment as a citizen of the Creek Nation;

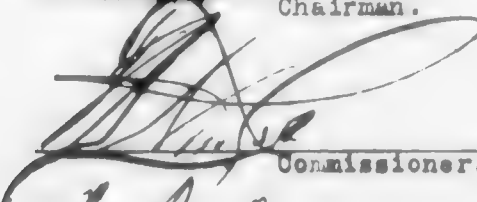
that said Walter Weakley, Tee Weakley, Frank Weakley, Jessie Weakley and George Weakley are the minor children of said Sillie Weakley, and it does not appear that the father of said minor children is entitled to enrollment as a citizen of the Creek Nation; that said Hattie Jones and Annie Jones are the minor children of said Josie Jones and that no claim is made that the father of said minor children is entitled to enrollment as a citizen of the Creek Nation; that Blanche Hamm is the minor child of said Minnie Hamm, deceased, and that no claim is made that the father of said minor child is entitled to enrollment as a citizen of the Creek Nation.

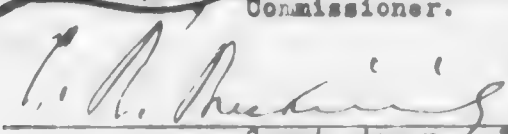
It does not appear from the evidence that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor that they, or any of them, have ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Carrie Dudley, John Martin, Lissie Johnson, Jesse Martin, Laura Martin, Tom Martin, Hugh Martin, Alice Martin, Lucile Martin, Bum Martin, Spot Martin, Elridge Martin, George Martin, Tom Thomas, Alex Thomas, Perry Thomas, Rosie Thomas, Mammie Thomas, Mabel Thomas, Sillie Weakley, Walter Weakley, Tee Weakley, Frank Weakley, Jessie Weakley, George Weakley, Josie Jones, Hattie Jones, Annie Jones, Will Dudley, George Dudley, Wesley Dudley, Irene Dudley, Minnie Hamm, deceased, and Blanche Hamm, or any of them, as Creek Freedmen, and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

MAR 15 1905

COMMISSIONERS:  
TAMM BERRY,  
THOMAS B. HENKLES,  
C. E. BRACKENRIDGE.  
—  
Wm. O. NEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

8879

COPIES TO BE MADE TO THE FOLLOWING:
En. 694

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 17, 1904.

Carrie Dudley,

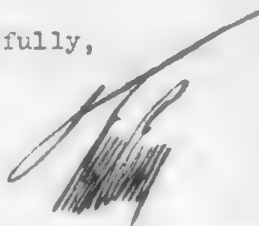
Oktaha, Indian Territory.

Dear Madam:

August 31, 1904, you appeared before the Commission and made application for the enrollment of yourself, your children and grandchildren as Creek Freedmen. At the conclusion of the evidence offered at that time, the case was continued.

You are hereby notified that you will be allowed thirty days from date within which to introduce additional evidence in the case, and, in the event that no further evidence is submitted within the time mentioned, the case will be adjudicated on the record now before the Commission.

Respectfully,



Chairman.

Register.

Ottawa. I.T.

Jan. 24-05

Post Master

Muskogee, I.T.

Please Notice that this letter has  
been held here for 30 days longer  
than it should have been. I held  
it from the fact that I was told  
it could probably be delivered  
but not yet being able to do  
so I thought I'd return it.

Respectfully

William L. Craig



*S. M.*  
Cr. En. 694.

Muskogee, Indian Territory, April 22, 1906.

M. L. Mott,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Garrie Dudley, et al., as Creek Freedmen, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

IM-4-22-115.

Chairman.

*P.D.*  
Cr. No. 594.

Washoe, Indian Territory, April 20, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Carrie Dudley et al., as Creek Freedmen, including the decision of the Commission, dated April 20, 1905.

Respectfully,

Chairman.

Through the Commissioner

of Indian Affairs.

LM-4-2B-116.

RECEIVED  
U. S. DEPARTMENT OF THE INTERIOR  
WASHINGTON  
APR 24 1906

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*S. H.*

COPIES OF THIS DOCUMENT
Creek No. 894.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 22, 1906.

Carrie Dudley,

Oktaha, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and children, John Martin, Tom Thomas, Sillie Weakley, Jessie Jones, Will, George and Wesley Dudley, Irene Dudley, deceased, and Minnie Hamm, deceased, and your grandchildren, Lizzie Johnson, George, Elridge, Jesse, Laura, Tom, Hugh, Alice, Lucile, Bum and Spot Martin, Alex, Perry, Rosie, Mammie and Mabel Thomas, Walter, Tee, Frank, Jessie and George Weakley, Hattie and Annie Jones, and Blanche Hamm, as Creek Freedmen, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

  
Chairman.

IM-4-22-114.

DEPARTMENT OF THE INTERIOR,  
Washington.I.T.O? 4342-1905  
LRS

June 19, 1905.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

April 22, 1905, you transmitted the record of the application of Carrie Dudley for the enrollment of herself and her son, John Martin, his daughter, Lizzie Johnson, and his ten minor children, George, Elridge, Jesse, Laura, Tom, Hugh, Alice, Lucile, Bum, and Spot Martin; her son, Tom Thomas, and his five minor children, Alex, Perry, Rosie, Mammie, and Mabel Thomas; her daughter, Sillie Weakley, and her five minor children, Walter, Tee, Frank, Jessie, and George Weakley; her daughter, Jodie Jones, and her two minor children, Hattie and Annie Jones; her sons, Will, George, and Wesley Dudley; her daughter, Irene Dudley, and her deceased daughter, Minnie Hama, and her minor child, Blanche Hama, as Creek freedmen, including your decision dated March 15, 1905 adverse to all the applicants.

May 2, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision adverse to all the applicants be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and your decision dated March 15, 1905, adverse to all the above named applicants is hereby affirmed.

Respectfully,

E A Hitchcock  
Secretary

1 inclosure

Refer in reply to the following  
Land  
31908-1908

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington, May 2, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 22, 1905, transmitting the record of the application made August 31, 1904, for enrollment as Creek freedmen by Carrie Dudley for herself, her son George Martin, his daughter, Lizzie Johnson, and his ten minor children, George, Elridge, Jesse, Laura, Tom, Hugh, Alice, Lucile, Bum and Spot Martin; her son, Tom Thomas and his five minor children,

Alex, Perry, Rosie, Mammie and Mabel Thomas; her daughter, Sillie Weakley and her five minor children, Walter, Lee, Frank, Jesse and George Weakley; her daughter, Josie Jones, and her two minor children, Hattie and Annie Jones; her sons Will George and Wesley Dudley; her daughters, Irene Dudley, her deceased daughter, Minnie Hamm, and her minor child, Blanche Hamm.

March 15, 1905, the Commission decided adversely to all the applicants.

The record shows that Carrie Dudley was sixty years old at the date of her application and that she is not identified on the Dunn roll; that the other applicants are the children and grand children of Carrie Dudley, and that none of them is a descendant of a person whose name appears on the Dunn roll and no claim is made that the other parent of the minors is entitled to enrollment as a citizen of the Creek Nation.

It does not appear that any of the applicants has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to all of the applicants is recommended.

Very respectfully,

C F Larrabee  
Acting Commissioner

M.M.M.  
W.

Muskogee, Indian Territory, June 29, 1906.

Carrie Dudley,  
Oktaha, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of yourself and your children, John Martin, Tom Thomas, Billie Weakley, Josie Jones, Will, George and Wesley Dudley, Irene Dudley, deceased, Minnie Hamm, deceased, and your grand-children, Lizzie Johnson, George, Elridge, Jesse, Laura, Tom, Hugh, Alice, Lucile, Sam and Spot Martin, Alex, Perry, Rosie, Mammie and Mabel Thomas, Walter, Tee, Frank, Jessie and George Weakley, Rattie and Annie Jones, and Blanche Hamm, as Creek Freedmen.

Respectfully,

Chair man.

Gr.En, 694.

Muskogee, Indian Territory, June 29, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of Carrie Dudley et al., as Creek Freedmen.

Respectfully,

Chairman.



# 694

SECRETARY'S OFFICE  
DEPARTMENT OF THE INTERIOR  
WASHINGTON, D.C.

C.R.

LLB

I.T.D. 4842-1905.  
1344-1906.

February 12, 1906.

LRB

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

January 2, 1906, there was filed with the Department a motion for review of departmental decision of June 19, 1905 (I.T.D. 4842), affirming the decision of the Commission to the Five Civilized Tribes of March 15, 1905, denying the application of Carrie Dudley, et al. for enrollment as Creek freedmen.

The Department has carefully considered said motion for review and sees no reason to disturb its decision of June 19, 1905. Said motion for review is hereby denied.

You are requested to notify applicant, Carrie Dudley, at No. 203 S. Main St., Muskogee, Ind. T. of the action taken.

Respectfully,

(Signed) Thos. Ryan,  
First Assistant Secretary.

Gr. En 694

Muskogee, Indian Territory. February 23 1906.

Carrie Dudley,  
203 S. Main Street,  
Muskogee, Indian Territory.

Dear Madam:

You are hereby informed that under date of February 12, 1906, the Secretary of the Interior denied motion for review of Departmental decision of June 19, 1905, confirming the decision of the Commissioner to the Five Civilized Tribes of March 15, 1905, denying the application of Carrie Dudley, et al for enrollment as Creek Freedman.

Respectfully,

Acting Commissioner.

Muskogee, I.T.

June 18, 1906

To the Hon.

The Secretary of Int

Washing D.C.

I herewith enclose the names of my Whitnenses who are citizens of the said Creek Nation Indian Territory and who are members of the said Canadian Colored town, said whitnense are citizens and are on the said Dun roll of 1867 I am a member the name of said whitnenses Prickitt Rentie, Manuel Monday, Billie Grayson, Salomon Rentie (Joe Bruner my owner) My application was in the year of 1904 Vacey Grayson is also one of my whitnenses

Hoping to receive a favorable reply from you  
I am yours sincerely

Carrie Dudley nee Bruner

P O Muskogee I.T.

GR

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON. June 23, 1906.

SPECIAL.

I.T.D.7423-1906  
LRS

Direct.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

You are requested to take appropriate action on the communication of Carrie Dudley, nee Bruner, dated Muskogee, Ind.T., June 18, 1906, herewith forwarded, relative to her application for enrollment as a Creek freedman.

February 12, 1906, the Department denied a motion for review of departmental decision of June 19, 1905 (I.T.D.4842), affirming the decision of the Commission to the Five Civilized Tribes of March 15, 1905, denying the application of Carrie Dudley ~~of~~ and others for enrollment as Creek freedmen .

In view of the expiration on June 25, 1906, of the time within which motions for review or rehearing may be filed with you in pursuance of section 1 of the act of April 26, 1906 (Public No. 129), the letter is referred to you for immediate attention.

Respectfully,

Jesse E. Wilson  
Assistant Secretary

1 inclosure

Muskogee, Indian Territory, June 30, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is acknowledged of Departmental letter under date of June 23, 1906 (I.T.D. 7423-1906), transmitting for appropriate action a communication from Carrie Dudley nee Bruner, dated Muskogee, Indian Territory, June 18, 1906, said communication being received at this office June 25, 1906.

February 12, 1906, the Department denied a motion for review of Departmental decision of June 19, 1905 (I.T.D. 4842), from the decision of the Commission to the Five Civilized Tribes of March 15, 1905, denying the application of Carrie Dudley, et al. for enrollment as Creek freedmen.

The purpose of said communication from Carrie Dudley is not indicated by the wording, but considering that same may be deemed by the Department in the nature

Secretary R.

of an application for a reopening and rehearing in the  
Greek enrollment case of Carrie Dudley, et al., I am  
of the opinion that no grounds are set forth in said  
communication which would warrant a reopening of said  
case and I respectfully recommend that said motion be  
denied.

Said communication from Carrie Dudley is  
inclosed herewith.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Commissioner.

AG-14.

En 64

12-14-1906  
Hott  
15366-1

GR  
LLB

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D. 4842-1905.  
7423-1906.  
15366- "  
D.C. 53538-1906.  
LRS

December 4, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

June 30, 1906, you reported relative to a communication of Carrie Dudley, nee Bruner, of Muskogee, Ind. T., dated June 18, 1906, which you treated as a request for a reopening and rehearing in the Creek freedman enrollment case of Carrie Dudley et al., and recommended that said request be denied.

June 19, 1905 (I.T.D. 4842), the Department, in accordance with the recommendation of the Indian Office, affirmed the decision of the Commission to the Five Civilized Tribes of March 15, 1905, adverse to all the applicants named therein.

Thereafter, on February 12, 1906, the Department denied a motion for rehearing therein.

Upon a review of the record in the case, in connection with the request now made for a rehearing, the Department finds no reason to disturb its decision of June 19, 1905 (I.T.D. 4842), denying said applications, to which decision the Department still adheres. Said request for a rehearing is denied.



-\*-  
You will advise applicant of this action.

The record has this day been returned for the files of  
the Indian Office.

Respectfully,

(Signed) Thos Ryan

First Assistant Secretary.

4 Inc. to Ind. of.

Through the Commissioner  
of Indian Affairs.

Cr. No. 694.

Muskogee, Indian Territory, December 14, 1906.

M. L. Nott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of December 4, 1906 denied a motion for a rehearing in the matter of the application for the enrollment of Carrie Dudley et al. as Creek freedmen.

Respectfully,

Commissioner.

74814

REFER TO BUREAU TO THE FOLLOWING:

Cr. En. 694.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 14, 1906.

Carrie Dudley,  
203 South Main Street,  
Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of December 4, 1906 denied a motion for a rehearing in the matter of the application for the enrollment of Carrie Dudley et al. as Creek freedmen.

Respectfully,



Commissioner.

CR EN 695

CR EN 695

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., September 1, 1904.

In the matter of the application for the enrollment of Clara  
Nicholas et al., as Creek Freedmen.

( R. P. DeGraffenreid Atty. for applicant,  
APPEARANCES:  
( M. L. Mott Attorney for Creek Nation.

CLARA NICHOLAS, being duly sworn, testified as follows:

By Commission:

- Q what is your name? A Clara Nicholas.  
Q Have you been here before? A No, sir.  
Q Never was before the Commission before? A No, sir.  
Q How old are you? A 39.  
Q What is your post office address? A Coweta.  
Q Do you make application for enrollment as a Creek Freedman? A  
Yes, sir.  
Q Have you got any children you want to apply for? A Two boys.  
Q What is the name of the oldest one? A Tommie.  
Q How old is he? A 15.  
Q What is the name of the other one? A Willie.  
Q How old is he? A 12.  
Q Are these children alive? A Yes, sir.  
Q And living with you? A Yes, sir.  
Q What is the name of their father? A C. M. Nicholas.  
Q Is he living? A Yes, sir.  
Q Do you claim that he has any rights? A Non-citizen.  
Q If these children have any rights they come through you? A Yes,  
sir.  
Q Do you live in the Creek Nation? A Yes, sir.  
Q How long have you lived in the Creek Nation? A Been all my life.  
Q Were you ever out of the Creek Nation? A Been in Oklahoma.  
Q How long did you live in Oklahoma? A I don't know exactly how  
long.  
Q As near as you can come at it? A About fifteen years.  
Q How long have you been in the Creek Nation this last time? A  
Four years.  
Q Where did you come from when you came here? A Arkansaw.  
Q How long did you live in Arkansas? A You can count it. I am  
thirty-nine years old and fifteen years in Oklahoma and the rest of  
the time in Arkansaw.  
Q Where were you born? A Creek Nation.  
Q How old was you when you left the Creek Nation? A I was told I  
was about five or six.  
Q Where did you go? A Oklahoma.  
Q Did you say you lived fifteen years in Oklahoma? A Yes, sir.  
Q Then where did you go? A Arkansaw.  
Q Then did you live in Arkansaw from that time up until four years  
ago? A Yes, sir.  
Q Did you ever draw any money from the Creek Nation? A No, sir.  
Q What was your name before it was Nicholas? A Clara Lewis.  
Q Have you been married more than once? A No, sir.  
Q To what town in the Creek Nation do you claim to belong? A  
Arkansaw.  
Q Did you ever draw any money from the Creek Nation? A No, sir.

- Q What is the name of your father? A James Lewis.  
Q Is he a citizen of the Creek Nation? A Yes, sir.  
Q What is the name of your mother? A Nina.  
Q Was she a citizen of the Creek Nation? A Yes, sir.  
Q How old were you when your parents died? A I was told I was about three or four years old.  
Q They both died right near together? A About five years difference.  
Q Which died first? A My mother.  
Q Well, about how old was you when she died? A I don't remember.  
Q Do you remember your father? A I can sort of remember him a little.

By Mr. DeGraffenreed:

- Q Do you know how old you was when he died? A I don't know.

By Commission:

- Q How long have you been married? A My oldest child is fifteen years old.

By Mr. DeGraffenreed:

- Q Were you married about a year before it was born? A Yes, sir.  
Q Reckon you been married over sixteen years? A Yes, sir.

By Commission:

- Q Ever have any brothers and sisters? A I don't remember their names. They have got strayed away.  
Q You don't know their names? A No, sir, they was taken away from this country.

Upon request of the attorney for the applicant, this case is continued in order that further evidence may be introduced.

---ooo000ooo---

I, Drennan C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 27 day of September, 1904.

H. M. Martin  
Notary Public.

En. 698.

I.D.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:0:-

In the matter of the application for the enrollment of Clara  
Nicholas et al., as Creek Freedmen.

SUPPLEMENTAL STATEMENT

-----0-----

Roll of Creek Freedmen made by J. W. Dunn prior to March 14,  
1867, examined and the applicant herein not identified on said Roll.

Tribal Rolls of the Creek Nation, in the possession of the Com-  
mission, examined and the applicants herein, or any of them, not  
identified on any of said Rolls.

Records of the proceedings of the Colbert Commission, in the  
possession of the Commission, examined and it does not appear that  
application was made to said Commission for the admission of the  
applicants herein, or any of them, to citizenship in the Creek Nation.

Records of the proceedings of the Commission to the Five Civiliz-  
ed Tribes, under authority of the act of Congress of June 10, 1896,  
examined and it does not appear that application was made to said  
Commission for the admission of the applicants herein, or any of  
them, to citizenship in the Creek Nation.

  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,  
December 31, 1904.



Ex. 695.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY,  
February 23, 1905.

In the matter of the application for the enrollment of  
Clara Nicholas, et al., as Creek Freedmen. (Additional testimony).

( R. P. DeGraffenreid, Atty. for applicants,  
APPEARANCES:  
( T. H. Cobb, representing Creek Nation.

CLARA NICHOLAS, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Clara Nicholas.  
Q How old are you? A I am thirty-nine years old.  
Q What is your postoffice address? A Coweta.  
Q Is your name Nicholas or Nichols? A Nichols.  
Q Are you the same person who, under the name of Clara Nicholas,  
appeared before the Commission, September 1, 1904, and made  
application for the enrollment of yourself and your minor  
children, Tommie and Willie? A Yes, sir.  
Q Why do you come before the Commission now? A Why do I come  
before the Commission now?  
(Attorney for applicant states that she wants  
to introduce additional evidence in the case).

Examination by R. P. DeGraffenreid:

- Q When you were on the stand in September you testified that  
your father's name was James Lewis, and your mother's name was  
Mima? A Yes, sir.  
Q And that they died when you were very young? A Yes, sir.  
Q Who took possession of you to raise you after the death of  
your parents? A An old colored woman, half Indian, by the  
name of Eliza Nichols.  
Q Is she still living? A Yes, sir, and she is a mother to my  
husband.  
Q Where is she now living? A She now lives in Mississippi-----  
Benoit, Bolivar County, Mississippi.  
Q Did you marry the son of this woman whom you lived with? A  
Yes, sir.  
Q Who did you understand, from the woman that raised you, was your  
father and mother? A Well, I understood that James Lewis was  
my father and Mima Lewis was my mother.  
Q Were you told where you came from in your infancy? Yes, sir.  
Q From where did you come? A From Indian Territory---Creek  
Nation.  
Q Have you, since your return to the Creek Nation, ever found any  
of your relatives? A I found one Uncle, that was all I heard of.  
Q Was he a full brother to your father or half? A Half, my  
father's half brother.

Clara Nicholas-----#2.

Q What is that half uncle's name? A Abe Prince.

Statement from Attorney for applicants:  
The basis of this claim is that the applicant herein is the Clara Lewis who is found on the Dunn Roll and was on the advertised list of Arkansas Town, and that she is now seeking to show that she is this identical Clara Lewis.

ABE PRINCE, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Abe Prince.  
Q How old are you? A I don't really know, but think I am about sixty.  
Q What is your postoffice address? A Red Bird.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q Do you know Clara Nichols? A Yes, sir.  
Q Did she ever have any other name? A Not as I know of.  
Q Do you know what you are saying? A Yes, sir.  
Q Well, did she ever have any other name? A Oh, yes, sir, before she was married.  
Q What was her name before she was married? A Clara Lewis.  
Q Do you know for whom application is now being made? A Well, the case is supposed to be for citizenship.  
Q For whom? A For Clara Lewis, Clara Nichols now.  
Q Any one else? A Yes, sir, two children.  
Q What are their names? A I forget the children's names; I know them but I do not recollect their names.  
Q About how old are they? A One is about fifteen and the other about thirteen.  
Q Do you live in the Creek Nation? A Yes, sir.  
Q How long have you lived in the Creek Nation? A All my life.  
Q How long have you known Clara Lewis, or Nichols? A I have known her ever since peace was declared.  
Q Have you known her continually ever since? A No, sir.  
Q Do you know that she is the same Clara Lewis? A Yes, sir.  
Q How old was she when you first met her? A Just a little bit 'o girl.  
Q How long after that time until you first saw her again? A About three years.  
Q Have you known her ever since? A Yes, sir.

By R. P. DeGraffenreid:

- Q Uncle Abe, what was your father's name? A My father's name was Prince---Kernel---his given name was Prince.  
Q What was your mother's name? A Rose Prince.  
Q Did you have any brothers or half brothers? A I had one half brother.  
Q What was his name? A His name was James Lewis.  
Q Was he the son of your father or mother? A He was the son of my father.  
Q Do you know the name of James Lewis' mother? A No, sir, I do not.  
Q James Lewis then was a son of your father by another woman before he married your mother? A Yes, sir.  
Q Did you grow up with James Lewis? A No, sir, I did not grow up with him but I knew him. I was down to Mufaula and he was down here at Arkansas.  
Q Was James Lewis ever married or not? A Yes, he married a lady.  
Q What was his wife's name? A Mina.

Clara Nicholas.....#3.

- Q Were they citizens of the Creek Nation at that time? A Yes, sir.
- Q Did they ever leave the Creek Nation? A Yes, sir.
- Q When was that, Uncle Abe? A If I make no mistake I think they lived here in '66 or '67.
- Q How long after the close of the war? A A good while after.
- Q Was it about the time the war closed? A It was about the time the war closed.
- Q Was it before the Dunn Roll was made? A Yes, sir, it was before.
- Q They left before the Dunn Roll was made? A Yes, sir.
- Q Were they citizens of the Creek Nation when they left here? A Yes, sir.
- Q Had they always lived here up to the time they left? A Yes, sir.
- Q Did they have any children when they left here? A None but Clara Lewis, she was the only child they had.
- Q Then they had one child? A Yes, sir.
- Q What was that child's name? A Clara Lewis.
- Q Do you know who had Clara Lewis' name put on the Rolls? A Yes, sir, I did.
- Q Why did you put her name on the Rolls and not put her father's and mother's name on? A I heard that the man and woman was dead.
- Q Did you know that they had a child by the name of Clara? A Yes.
- Q What relation is that child to you? A She is my niece.
- Q Is she your own niece? A Yes, sir, my own niece.
- Q Is she your half niece? A Yes, sir, my half niece.
- Q Now, is she your own niece or half niece? A She is my half brother's daughter.
- Q Did you ever know of any other Clara Lewis in the Creek Nation? A Yes, sir, I knew one.
- Q Do you know what you are saying? A Yes, sir.
- Q Well, did you ever know of any other Clara Lewis in the Creek Nation except this one? A Not at that time.
- Q Do you know of any other now? A Yes, sir. Up at Black Jack, but not a citizen of this country, but she married a man by the name of Talley Lewis.
- Q Is Talley Lewis a citizen of the Creek Nation? A Yes, sir, he is one of my cousins.
- Q And these two are the only people you ever knew in the Creek Nation by the name of Clara Lewis? A Yes, sir, they are the only ones.
- Q Are they the only ones that you ever heard of? A Yes, sir, they are the only ones that I ever heard of in my life.

By Commission:

- Q How did you happen to be a witness here? A The way I came to be a witness here my niece went away and came back and found me.
- Q Are you a relative of this woman? A Yes, sir, she is my brother's daughter-----my half brother.

By T. W. Cobb, representing Creek Nation:

- Q Did you talk to her about what you were going to swear? A No, sir.
- Q You didn't talk together about it at all? A No, sir.
- Q You did not know what was going to be asked you? A No, sir.
- Q You do not know what you are here for? A I am here to testify in her case, but nobody told me anything.
- Q No one ever told you what to swear? A No, sir.
- Q How far do you live from here? A About twenty-two miles.
- Q How far do you live from Clara? A About six miles.

Clara Nicholas-----#4.

By Commission:

- Q You say you enrolled this Clara Lewis? A Yes, sir.  
Q What Roll did you have her name put on? A The Dunn Roll.  
Q About what time was that you had her name put on the Dunn Roll?  
A I couldn't tell exactly.  
Q Well, about how long ago was it? A I can't tell.  
Q Was it as long as ten years ago? A It was longer than that.  
Q Was it as long as twenty years ago? A I reckon.  
Q How old was she when you put her name on the Roll? A I do not know.  
Q About how old was she? A I could not tell; she was away off.  
Q Was she ten years old? A She might have been.  
Q Could she have been older? A I do not think so.  
Q Did you put the name of anybody else on the Roll at that time besides her? A No, sir.  
Q Did you have your own name on the Dunn Roll? A Yes, sir.  
Q Who put your name on that Roll, yourself? A Yes, sir, I had it put on myself.  
Q Who put it on for you? A It has been so long I can't tell.  
Q Did you ever draw any money from the Creek Nation? A Yes, sir.  
Q How much money did you draw at that time? A It has been so long I can't tell.  
Q Did you put her parent's names on that roll? A They were dead at that time.  
Q Was that shortly after the war? A Yes, sir, before the Dunn Roll was made.  
Q Do you now know that Clara Lewis' parents were dead at that time? A I had evidence that they were dead before the Dunn Roll was made.  
Q You had positive evidence that they were dead ~~then~~ before the Dunn Roll was made? A Yes, sir.  
Q Did you ever hear anything to the contrary at the time the Dunn Roll was made? A Nothing to the contrary; I heard they were dead.  
Q Did you ever know a man by the name of Henry Lewis? A No, I do not think I did.

CLARA LEWIS recalled:

- Q Do you know anything about the Dunn Roll? A No, sir.  
Q What was the name of your father? A James Lewis.  
Q What was your mother's name? A Mima Lewis.  
Q Did you ever know them? A No, sir.  
Q Do you know when they died? A No, sir, I was small.  
Q You was just told about their death? A The lady that raised me told me that my father and mother died when I was small. My mother died first and my father died in about a year after she died.  
Q Do you know Harry Lewis? A No, sir.  
Q Was your first name ever anything else but Clara? A No, sir, my first name was never nothing else.  
Q It was never Carolina? A No, sir it was not.  
Q How long have you been living in the Creek Nation? A About seven or eight years, maybe longer.  
Q Were you ever here before seven or eight years ago? A I was here when I was a baby.  
Q Did you leave here when you was small? A Yes, sir was taken to Oklahoma.  
Q And then you came back to the Nation seven or eight years ago? A Yes, sir.  
Q Where were you about fourteen or fifteen years ago about the time of the 1890 payment? A (None.)

Clara Nicholas-----#5.

- Q Was your father living at the time of the 1890 payment? A No, sir, my father never got nothing.
- Q Did I did not ask that--I asked if your father was living at that time? A No, sir, he was dead then.
- Q Are you positive of that? A Yes, sir.
- Q From your best knowledge of your father was he living fifteen years ago? A I do not remember when he died; he died when I was small.
- Q You now claim to be thirty-nine? A Yes, sir, going on forty.

The Dunn Roll, Arkansas Town, examined and the name of Clara Lewis not found thereon.

The 1890 Pay Roll of the Creek Nation examined and on page 12, Arkansas Town, the following names are found in a group:

No. 1. Harry Lewis.

No. 2. James Lewis.

No. 3. Clara Lewis.

It is the name of this Clara Lewis who is on the 1890 Roll and whose name was not fully accounted for at the time of the making of the printed list of some nine thousand names that appear on said list.

Statements by Attorney for Creek Nation and Attorney for applicants that there is no further evidence to offer and the case is hereby closed.

I, Zera Ellen Parrish, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause.

*Zera Ellen Parrish*

Subscribed and sworn to before me this 25<sup>th</sup> day of February, 1905.

*Edw. L. Smith*  
Notary Public.

No. 696.

I.D.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-00000-

In the matter of the application for the enrollment of Clara  
Nicholas, et al., as Creek Freedmen.

SUPPLEMENTAL STATEMENT.

-----  
Roll of Creek Freedmen made by J. W. Dunn prior to March 14,  
1867, examined and the applicant herein not identified on said Roll.  
Tribal Rolls of the Creek Nation, in the possession of the Com-  
mission, examined and the applicants herein, or any of them, not  
identified on any of said Rolls.

Records of the proceedings of the Colbert Commission, in the  
possession of the Commission, examined and it does not appear that  
application was made to said Commission for the admission of the  
applicants herein, or any of them, to citizenship in the Creek Nation.

Records of the proceedings of the Commission to the Five Civiliz-  
ed Tribes, under authority of the act of Congress of June 10, 1896,  
examined and it does not appear that application was made to said  
Commission for the admission of the applicants herein, or any of  
them, to citizenship in the Creek Nation.

  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,

April 25, 1906.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Clara, Tommie and Willie Nicholas as Creek Freedmen.

DECISION.

The record in this case shows that on September 1, 1904, Clara Nicholas appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of herself and her two minor children, Tommie Nicholas and Willie Nicholas as Creek Freedmen. Further proceedings were had February 23 and April 25, 1905.

A copy of the testimony taken at Okmulgee, Indian Territory, October 14, 1903, in the matter of former citizens of the Creek Nation whose names appear upon the tribal rolls of said Nation in the possession of this office, who died prior to April 1, 1899, is made a part of the record herein.

The evidence shows that said Clara Nicholas was thirty-nine years old at the date of the application herein and that she is not identified on the roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867; that said Tommie Nicholas and said Willie Nicholas are the minor children of said Clara Nicholas and that they, or either of them, are not the descendants of a person whose name appears on said Dunn roll and that no claim is made that the father of said minor children is entitled to enrollment as a citizen of the Creek Nation.

It does not appear from the evidence that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor have they, or any of them, ever been admitted to citizenship in said Nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Clara Nicholas, Tommie Nicholas and Willie Nicholas, or any of them, as Creek Freedmen, and the application for their enrollment as such is accordingly denied.

Muskogee, Indian Territory.

OCT 12 1905

  
Commissioner.



J. D. B

En. 695

Muskogee, Indian Territory, November 17, 1904.

R. P. DeGraffenreid,  
Attorney for Clara Nicholas et al.,  
Muskogee, Indian Territory.

Dear Sir:

September 1, 1904, Clara Nicholas appeared before the Commission and made application for the enrollment of herself and her two minor children as Creek Freedmen. The record shows that you appeared as her attorney. At the conclusion of the evidence offered at that time, the case was continued upon your request.

You are hereby notified that the applicant will be allowed thirty days from date within which to submit further evidence, and, in the event that no additional evidence is submitted, the case will be adjudicated on the record now before the Commission.

Respectfully,

Chairman.

En. 000

Muskogee, Indian Territory, October 14, 1908.

Clara Nicholas,

Coweta, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and your minor children, Tommie and Willie Nicholas, as Creek freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-50

Muskogee, Indian Territory, October 24, 1906.

R. P. DeGraffenreid,  
Attorney for Clara Nicholas, et al.,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Clara Nicholas, and her minor children, Tommie and Willie Nicholas, as Creek freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Muskogee, Indian Territory, October 14, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Clara Nicholas, and her minor children, Tennie and Willie Nicholas, as Creek freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

**En. 696**

**Muskogee, Indian Territory, October 14, 1906.**

**The Honorable,**

**The Secretary of the Interior.**

**Sir:**

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Clara Nicholas, et al., as Creek freedmen, including the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1906.

**Respectfully,**

**Commissioner.**

**Through the  
Commissioner of Indian Affairs.**

**AG-53**

✓  
OF 22 695

Muskogee, Indian Territory, November 8, 1905.

The Commissioner of Indian Affairs,  
Washington, D. C.

Sir:

Referring to your communication of November 4, 1905 (land 83800-1905), there is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Clara Nicholas, et al. as Creek Freedmen, including the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1905.

Respectfully,

Commissioner.

JYM-8-3

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

JP  
THE

I.T.D.17428-1905  
LRS

December 26, 1905/

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

October 14, 1905, you transmitted the record in the matter of the application of Clara Nicholas for the enrollment of herself and her two minor children, Tommie and Willie Nicholas, as Creek freedmen, including your decision of October 12, 1905, rejecting said application.

Reporting December 13, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan  
Acting Secretary

1 inclosure



✓ # 695  
Refer in reply to the following:

COPY.

Land  
83800-1905  
90425-"

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington. December 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated October 14, 1905, transmitting the record of the application made September 1, 1904, for enrollment as Creek freedmen by Clara Nicholas for herself and her two minor children, Tommie and Willie Nicholas.

October 12, 1905, the Commissioner decided adversely to the applicants.

The record shows that Clara Nicholas was thirty nine years of age at the date of her application and that she is not identified on the Dunn roll; that Tommie and Willie Nicholas are her minor children and are not the descendants of a person whose name appears on the Dunn roll and no claim is made that the father of the minors is entitled to enrollment as a citizen of the Creek Nation.

It does not appear from the record that the applicants have ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commissioner's decision adverse to the applicants is recommended.

Very respectfully,  
C.F. Larrabee  
Acting Commissioner

MMK  
C

En. 005.

Muskogee, Indian Territory, January 2, 1906.

Clara Nicholas,  
Caweta, Indian Territory.

Dear Madam:

You are hereby advised that under date of December 26, 1905, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1905, denying the application made by you for the enrollment of yourself and your minor children, Tommie and Willie Nicholas, as Creek freedmen.

Respectfully,

Commissioner.

**En. 69A**

**Muskogee, Indian Territory, January 5, 1906.**

**W. T. Mott,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.**

**Dear Sir:**

**You are hereby advised that under date of December 26, 1905, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1905, denying the application made by Clara Nicholas for the enrollment of herself and her minor children, Tommie and Willie Nicholas, as Creek freedmen.**

**Respectfully,**

**Commissioner.**

No. 008.

Muskogee, Indian Territory, January 5, 1906.

Degraffenreid & Herings,  
Attorneys for Clara Nicholas,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that under date of December 26, 1905, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1905, denying the application made by Clara Nicholas for the enrollment of herself and her minor children, Tommie and Willie Nicholas, as Creek freedmen.

Respectfully,

Commissioner.

CR EN CR

CR EP 616

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. NOV. 16, 1904.

No. 886.

In the matter of the application for the enrollment of Ala Ann Wilson as a citizen by blood of the Creek Nation.

APPEARANCES: H. Hastain, attorney for Applicant.

Ala Ann Wilson being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Ala Ann Wilson.  
Q What is your post office address? A Summit.  
Q You have heretofore made application to be enrolled as a citizen of the Creek Nation, have you? A Yes sir.

Examination by Mr. Hastain:

- Q You may state whether or not you were a slave before the war? A Yes sir.  
Q You may state if you remember what your owner's name was? A Hardridge an Indian man; July Hardridge was my father a colored man belonging to the Indians; owned by the Indians.  
Q What nation was this Indian a citizen of? A Creek.  
Q How long have you lived here in the Creek Nation? A I was nothing but a little child when I was brought here from Alabama; I can't tell how long I have been here but I been here, in and out, ever since I was brought out from Alabama.  
Q You was in and out; where was you besides the Creek Nation? A In Arkansas.  
Q Do you remember when the war was going on? A Yes sir.  
Q Were you living here at that time? A Yes sir.  
Q Do you remember how long you lived here after that; or was it before that you lived in Arkansas; when did you leave Arkansas? A I lived here first; I was brought here from Alabama.  
Q When did you go to Arkansas? A When I got a good size; my man took me over to Arkansas.  
Q Do you remember when Peace was declared? A Yes sir.  
Q Where were you then? A Right here at Eufaula; down on the river.

By the Commission:

- Q You appeared here on the 31st of August last and made application to be enrolled as a citizen by blood. A I was going by my mother; my mother claims as a citizen by blood.  
Q Do you want your application to show that you apply as a citizen by blood or as a Freedman? A I didn't understand it; I go by my mother.  
Q Was your mother a slave? A She was an Indian slave I reckon.  
Q Do you know whether she was a slave or not? A She just stayed with the Indians.  
Q Did somebody own her? A I reckon so; I don't know; I stayed with my father; I can't tell anything about my mother hardly.  
Q When you appeared here on the 31st of August, this question was asked you: "How long have you lived in the Creek Nation?" To which you replied: "A Just come this year." A Just moved in.

Q Then this question was asked you: "Did you ever live in the Creek Nation before this time?" To which you replied: "No sir."

A I thought I was talking about my mother; living with my mother; I misunderstood that question, I got witnesses I did live here.

Q How long have you lived in the Creek Nation this time? A I been here the first day of this year.

Q Where did you come from? A Down here on the Red River. On the line.

Q Was it in Texas? A Yes sir, it was close to the line.

Q But you lived in Texas? A Yes sir.

Q How long did you live in Texas? A I don't know how long, but when I was down in Texas my children was.

Q Where were your children born? A Some of them born in Texas and some in Arkansas.

Q Have you any children that were born in the Creek Nation? A No, I haven't got any born in the Creek Nation.

Q How old is your youngest child? A I can't tell you my children's ages, cause he is 23 or 24 as near as I can think of.

Q Where was he born? A Down here in Denison, Texas.

Q What is the name of your eldest child? A Georgianna Morran.

Q How old is she? A She's dead.

Q Where was she born? A In Arkansas.

Q What is the name of your next? A T. J. Morran.

Q Is he living? A Yes sir.

Q How old is he? A I don't know.

Q Brown man? A Yes sir.

Q Where was he born? A In Arkansas.

Q What is the name of your next child? A Victoria Handal.

Q How old is she? A Dead.

Q Where was she born? A Down here at Denison.

Q In Texas? A Yes sir.

Q What is the name of your next child? A Ruba Handal.

Q Living or dead? A Dead.

Q How long has he been dead? A I don't tell you.

Q Where was he born? A Right down here in Denison.

Q In Texas? A Yes sir.

Q What is the name of your next child? A Andy Handal.

Q Where was she born? A Down in Texas.

Q What is the name of the next one? A Martha Wilson.

Q Living or dead? A Dead.

Q Where was she born? A Down there.

Q In Texas? A Yes sir.

Q What is the name of your next? A Aline.

Q Living or dead? A Dead.

Q Where was she born? A Down there in Texas.

Q What is the name of the next one? A Thelma Aint she.

Q Do you know the name of the next child? A Mary Handal.

Q Where was she born? A Right down there.

Q In Texas? A Yes sir.

Q What is the name of the next? A Betty.

Q Where was she born? A Right there.

Q In Texas? A Yes sir.

Q What is the name of the next? A Josie.

Q Living or dead? A Dead.

Q Born in Texas? A Yes sir.

Q Next? A Josiah.

Q Born in Texas? A Yes sir.

Q What did you say was the name of your youngest child? A Joe.

Q And he was born in Texas? A Yes sir.

Q You say he is about 34 years old? A Yes sir.

Q How long after he was born until you came to the Creek Nation? A I came here while he was living.

Q How long after he was born until you moved to the Creek Nation? A I don't know, he was a little bit of a chap, I carried him right out.



Q How long did you stay here with him? A I can't tell you.  
 Q Was it a month or a year? A I reckon it was about a month; we was water bound.  
 Q Then you took him back to Texas on account of your sickness? A Yes sir; I got sick myself.  
 Q How long did you stay in Texas? A Stayed there a while and come back to the Territory again.  
 Q How old was that boy when you came back the next time? A I can't tell; he was a good big sized boy; could wear pants.  
 Q How long have you been here this last time? You say you came here the first day of last January? A Yes sir.  
 Q Where did you come from? A Right from Denison, Texas.  
 Q How long had you been living there when you came here this last time? A Well, them children was born there.  
 Q Well, did you live there all the time from the time them children was born there until you came this last time? A I kept coming back.  
 Q How many times did you come? A I can't tell you.  
 Q How long would you stay when you come here to the Creek Nation? A High as I can come at it five or six weeks and maybe longer.  
 Q Did you have any children living with you when you was making those trips? Up here? A I had a neighbor close that would tend to my little children.  
 Q You had help here to tend to your matters in Texas when you came up? A I am talking about other things to say that nothing was destroyed.  
 Q Did you leave any of your children there in Texas when you came? A I left the little ones and the other ones I sent to school.  
 Q Was you keeping house in Texas when you made those trips up here? A Yes sir, that's the reason I said I left them with the neighbors.  
 Q Did you keep house up here three times? A No I come and lived with my sons.  
 Q Did you ever draw any money from the Creek Nation? A No sir.  
 Q Did you ever make application to the Creek people to anybody to be admitted to citizenship in the Creek Nation? A No sir; I was so far off and nobody could get satisfaction and I just thought that a full blood Indian could get satisfaction.  
 Q How much Creek blood do you claim to have? A I don't know; my mother always did claim right smart.  
 Q You can't claim to be a full blood Creek Indian? A I am not a full-blooded one. My mother sure had that blood in her.

Testimony being duly sworn testified as follows:

Examination by the Commissioner:

Q What is your name? A Felix Valentin.  
 Q How old are you? A Somewhere along 40; I don't know my exact age.  
 Q What is your post office address? A Muskogee.  
 Q Are you a citizen of the Creek Nation? A Yes sir.  
 Q Lived in the Creek Nation all your life? A All my life.

Examination by Mr. Winstead:

Q You know the applicant here? A That lad, sure?  
 A Yes. Yes sir, I have seen her.  
 Q How long have you known her? A Well, I have seen her a little before war and after the war, I have seen her.  
 Q Did you know her father? A Yes sir.  
 Q What was his name? A Jule Hardridge.  
 Q Do you know her mother? A I have seen her mother but I never learnt her mother's name. She lived far from me and I know her father well; she was with her mother; never did learn her mother's name.

Q Was her father a slave before the war? A Yes sir.  
Q Do you know to whom he belonged? A Belonged to Joe Hardridge.  
Q Was Joe Hardridge a citizen of the Creek Nation? A Joe Hardridge was  
a citizen of the Creek Nation, half breed.  
Q Did you know the applicant here along about the close of the war?  
A Yes sir.  
Q Do you know where she lived? A That lady?  
Q Yes. A Muskula.

(Statement by Mr. Nastain: We have no further evidence to offer.)

-----

Henry G. Hains being sworn on his oath states that as stenographer to  
the Commission to the Five Civilized Tribes he reported the above case  
and that this is a full, true and correct transcript of his stenographic  
notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 19 day of November, 1904.

*J. H. Campbell*

Notary Public.

21. 21  
No. 898.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Alla Ann Wilson as a citizen by blood of the Creek Nation.


-1 SUPPLEMENTAL STATEMENT :-

The tribal rolls of the Creek Nation in the possession of the Commission examined and the name of the applicant not identified on any of said rolls.

Records of the proceedings of the Colbert Commission in the possession of this Commission examined and it does not appear that application was made to said Commission by the applicant herein for admission to citizenship in the Creek Nation.

Records of the proceedings of the Commission to the Five Civilized Tribes under authority of the Act of Congress of June 10, 1896, examined and it does not appear that application was made to said Commission by the applicant herein for admission to citizenship in the Creek Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
COMMISSIONER.

Muskogee, Indian Territory.  
October 11, 1904.

DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

No. 890

IN THE MATTER OF THE APPLICATION FOR THE SURVEY OF LAND  
WILSON AS A DIVISION OF LAND OF THE GREEN MOUNTAIN

SUPPLEMENTAL STATEMENT

The roll of Green Mountain made by J. W. Tamm prior to March 24,  
1887 examined, and the applicant herein not identified thereon.



Commissioner

November 22, 1904.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Alla Ann Wilson as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on August 31, 1904, Alla Ann Wilson appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a citizen by blood of the Creek Nation. Further proceedings were had October 11, November 16, and November 21, 1904.

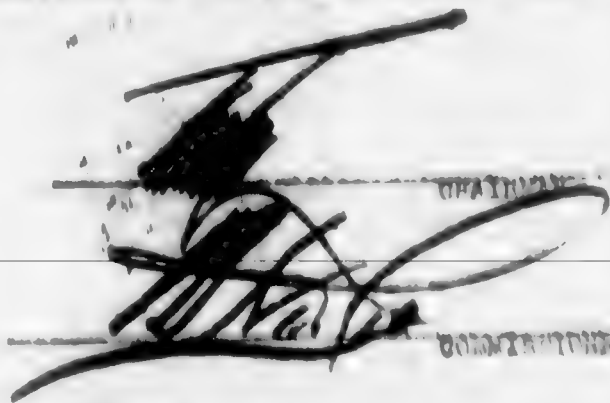
It appearing that the applicant claims that her father was a slave of a Creek Indian, this case is treated as an application for enrollment as a Creek citizen by blood and also as a Creek Freedman.

The evidence shows that the applicant is not a full-blood Creek Indian, that she was about sixty-five years old at the date of the application herein, and that she is not identified on the Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867.

The evidence shows that the applicant herein has never been enrolled as a citizen of the Creek Nation, nor has she ever been admitted to citizenship in said nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Alla Ann Wilson as a citizen of the Creek Nation, and that the application for her enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES



C. R. Bush, Sec.  
COMMISSIONER

MUSKOGEE, INDIAN TERRITORY,

MAR 1 1905

144  
M, 496,

Indian Territory, October 24, 1904.

Ala Anna Wilson;

Okmulgee, Indian Territory;

Madam:

The Commission is in receipt of your letter of October 17, by reference from the Secretary of the Interior, relative to your application for enrollment as a citizen by blood of the Creek Nation. You state that an error was made in giving the name of the parents through whom you claimed, and you now desire to correct same.

In reply you are advised that you may appear in person before the Commission at its office in Muskogee, Indian Territory, and give additional testimony in the matter of said application.

Respectfully,

Chairman.

Cr. I. 696.

Muskogee, Indian Territory, April 19, 1906.

H. Mastain,

Attorney for Alla Ann Wilson,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Alla Ann Wilson, as a citizen by blood of the Creek Nation, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

YK-4-19-06.



Q. A.  
P. 4  
Dr. 2.000.

Muskogee, Indian Territory, April 20, 1908.

M. L. Nett,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Alla Ann Wilson as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

TM-4-10-00.

*C. D. L.*  
*En*  
Cr. 8. 896.

Muskogee, Indian Territory, April 29, 1908.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Allie Ann Wilson as a citizen by blood of the Creek Nation, including the decision of the Commission, dated October 11, 1908.

Respectfully,

Chairman.

Through the Commissioner  
of Indian Affairs.

IM-4-10-87.

*S. D.*  
*Eu*  
Oct. 1. 1906.

Muskogee, Indian Territory, April 19, 1906.

Alla Ann Wilson,

~~Smith~~, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a citizen by blood of the Creek Nation, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.  
IM-4-19-64.

O.R.

DEPARTMENT OF THE INTERIOR,  
Washington.

I.T.D.4786-1908

June 5, 1908

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

April 19, 1908, you transmitted the record of the application of Alla Ann Wilson for her enrollment as a citizen by blood of the Creek Nation, including your decision (without date) adverse to said applicant.

April 29, 1908, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision adverse to the applicant be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and your decision denying the application of Alla Ann Wilson for her enrollment as a citizen by blood of the Creek Nation is hereby affirmed.

Respectfully

W A Hitchcock

Secretary

1 inclosure

Refer in reply to the following:

Land  
31360-1908

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington, April 20, 1908.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose a report from the Commission from the Five Civilized Tribes, dated April 19, 1908, transmitting the record of the application made August 21, 1904, for the enrollment as a citizen by blood of the Creek Nation by Alla Ann Wilson.

Upon blank date the Commission decided adversely to the applicant.

The record shows that the applicant is not a full blood Creek Indian but part negro, that she was about sixty five years old at the date of application and that she is not identified on the Dunn Roll. It is further shown that she has never been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner

M.M.W.(W)

Op.No. 896.

Muskogee, Indian Territory, June 29, 1906.

Alla Ann Wilson,

Summit, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying your application for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Gr. No. 694.

Muskogee, Indian Territory, June 20, 1906.

M. Hestain,

Attorney for Alla Ann Wilson,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 8, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of Alla Ann Wilson as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.



Gr.Mn. 896.

Muskogee, Indian Territory, June 29, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of June 29, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of Alla Ann Wilson as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Muskogee, Indian Territory, July 17, 1906.

Ain Ann Wilson,

Summit, Indian Territory.

Dear Madam:

July 9, 1906, the Department advised this office that it was in receipt of a motion signed by you to reopen the matter of the application for your enrollment as a citizen of the Creek Nation; that said motion was not sufficient to justify the Department in reopening the case, and that it was therefore denied.

In accordance with instructions contained in the letter of the Department above referred to, you are hereby notified that motions for rehearing in enrollment cases, in addition to being made under oath, should be accompanied by the affidavits of the witnesses whose testimony you desire to introduce, setting forth the facts to which they will testify and their means of obtaining the knowledge of such facts; also that copies of said motion and the affidavits should be served on the attorney for the Creek Nation.

Respectfully,

Commissioner.

I.T.D.6011,7811-1905  
LRS

(Copy)

G.R.  
LLB

DEPARTMENT OF THE INTERIOR.

WASHINGTON, September 6,  
1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department is in receipt of a motion for a reopening and a rehearing in the matter of the application for the enrollment of Ala Ann Wilson, as a citizen by blood of the Creek Nation, filed August 30, 1905, asking for a full hearing as affects applicant's rights through her father, whose name was July Hardridge, a Creek freedman, claimed to have been owned by Joe Hardridge.

Said motion is not supported by the affidavits of witnesses setting forth such facts as would warrant a reopening of said case, nor does it appear that the motion and affidavits have been served upon the attorney for the Creek Nation prior to the filing thereof.

Said motion for a reopening and rehearing is hereby denied for insufficiency. A similar motion was denied by the Department July 8, 1905 (I.T.D.6011).

Respectfully,

(signed) THOS. KYAE,  
Acting Secretary.

Through the  
Commissioner of Indian Affairs.

✓  
LA 696

Muskogee, Indian Territory, September 12, 1906.

Ale Ann Wilson,

Summit, Indian Territory.

Dear Madam:

You are hereby notified that under date of September 6, 1906, the Secretary of the Interior denied your motion filed August 26, 1906, for rehearing in the matter of the application for your enrollment as a citizen of the Creek Nation.

Respectfully,

Acting Commissioner.

11696

Received of the  
Commissioner to  
the Five Civilized  
Tribes a copy of  
the decision of  
the Commission  
in the case of  
A. C. Wilson  
H. 171

Jan. 17-1906

J. D. Wilson  
for A. C. Wilson

1070-100

COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D. C.

7-12

Washington, D. C., April 2, 1906.

Mrs. Ida Ann Wilson,  
Washington, D. C.

Sir:

I beg to acknowledge the receipt of your communication of February 24, 1906, addressed to the Secretary of the Interior and referred to this office for reply, in which you state that you have a right to citizenship in the Creek Nation.

In reply you are advised that the records of this office show that on August 28, 1904, application was made for your enrollment as a citizen of the Creek Nation; that on March 15, 1905 a decision was rendered denying you the right to enrollment as a Creek citizen (a copy of which decision was mailed to you on April 16, 1905); that on June 5, 1905, the Secretary of the Interior affirmed said decision and on June 20, 1905 you were notified of such action.

Respectfully,

1070

Comd. and Secy.

CR EN 697

CR EN 697



632

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
OKMULOGEE, I.T., OCTOBER 16th, 1903.

In the matter of accounting for these persons whose names appear on the Creek Tribal rolls, who died prior to April 1st, 1899, and are not shown on said rolls to be otherwise accounted for.

JOHN A. Jacobs, being first duly sworn by R. R. Cravens, notary public testified as follows:

BY THE COMMISSION:

- Q What is your name? A John A. Jacobs.  
Q What is your postoffice address? A Holdenville.  
Q What is your age? A 32.  
Q Are you Town King of Tuckabatchee Town? A Yes, sir.

&

The object of this examination is to ascertain who of those persons whose names appear on the Creek Tribal rolls of Tuckabatchee Town died prior to the opening of the Creek Land Office. (April 1st, 1899.)

1890 Roll.

- Q Lucy Marks - Page 227? A She died before the land office opened. Lightning killed her.  
Q Samoohee - Page 227? A If it is the one I am thinking of - I am not sure that his name is Samoohee. He is Joe Simons' son and a half brother of Fuller Jimboy.  
Q Leho Marty - Page 227? A He died before the land office opened.  
Q Sarnortken - Page 227? A I am satisfied she died after the land office opened.  
Q Elumme - Page 227? A He is dead, but I don't know whether he died before or father the land office opened.  
Q Sindy Noon - Page 227? A She died before the land office opened.  
Q George Kernal - Page 227? A He died before the land office opened.  
Q Arluok Hopie - Page 227? ? A He has filed. His name is probably Aharluok Hopiye.  
Q Salley - Page 227? A Probably they live near Bufaula, but I have not been able to find her.  
Q Nancy; Willie; Kizey - Page 227? A I think they belong to the Snake faction. I have never been able to find them.  
Q Micoo Chupko - Page 228? A He is dead, but I don't know when he died.  
Q Richard Bruner - Page 228? A He died before the land office opened.  
Q Robert McGirtt - Page 229? A He died before the land office was opened.  
Q Lizzie Robison - Page 229? A She died before the land office opened.  
Q Kanip Fixico - Page 229? A Died before land office opened.  
Q Louis Larney - Page 229? A Died before land office was opened.  
Q Lizzie - Page 229? A She died after the land office opened.  
Q John Nochee - Page 230? A He died before the land office opened.  
Q Efer Yaholar - Page 230? A He died before the land office was open.  
Q Chuckohort Fixico - Page 230? A He died before too.  
Q Leaner Bruner - Page 230? A She died before the land office opened.  
Q Yarlochohee - Page 231? A He died before the land office opened.  
Q Long George - Page 231? A He died before the land office opened.  
Q Maxey - Page 231? A He died before the land office opened.  
Q Lucy Bear - Page 231? A She died before the land office was open.  
Q Tulwer Fixico - Page 232? A He died before.  
Q Sparnemarhar - Page 233? A He died before the land office opened.  
Q John Leacher - Page 233? A I was told by John Francis that he say John Leacher in Muskogee after the land office was opened, requesting people not to file on land; that it was a mistake for the Creek people to take allotments. He was an old man.

TUCKABATCHEE TOWN #2 - JOHN A. JACOBS.

- Q Tuckabatohee Harjo-Page 237? A He died long before the land office opened.
- Q Parney Thlecco-Page 237? A He died during that small pox up near the Sac & Fox Agency.
- Q Do you know whether he died before that hospital burned or not?
- A No, sir. The one that died was Barney Thlecco, but I guess ~~that~~ they got it Parney.
- Q Wm. H. Walker; Susan W. M. Walker; Clisynn Walker-Page 239?
- A They lived in the Choctaw Nation.
- Q Are they part Choctaw? A I don't know, but I was told since that they were enrolled in the Choctaw Nation.

1895 Roll.

- Q B. V. Burton? A I think she was either a Choctaw or a white woman.
- Q J. H. Crabtree? A He is dead, but I don't know whether he died before the land office opened or not.
- Q David Kernels? A He is dead, but I don't know whether he died before the land office opened or not.
- Q Tuckabatohee Harjo? A He died before the land office opened.
- Q James Sullivan? A He died before the land office.
- Q Lizzie J. Robison? A She died before the land office opened.
- Q Chular Harjo? A He died before the land office opened.
- Q Lizzie and Liza Harjo? A They both died after the land office opened.
- Q Burney Marha? A He died before the land office opened.
- Q Louis Larney? A I think he died before the land office opened.
- Q Rhoda Lena (Rhoda Lena)? A I think she died before the land office opened.
- Q Yarahloche? A He died before the land office opened.
- Q Lena Bruner? A Died before the land office opened.
- Q John Ome? A He died before the land office opened.
- Q Maxey? A He died before the land office opened.
- Q Micco Chupko? A Died before the land office opened.
- Q Lucy Tiger; Susie Tiger? A They died before the land office opened.
- Q Long George? A He died before the land office opened.

1895 Omitted Roll.

- Q Nathan Jacobs - Creek Card #3331? A I think that was enrolled on the omitted payment as my boy, but in the meantime my boy was placed on Little River Tulsa.
- Q Was that your boy's name? A Nosir, Frankie, but he did not have any name then. But I think Alexander, Town King of Tuckabatchee Town enrolled my boy as Nathan Jacobs. I don't think there is any such person. Frank is on Little River Tulsa. He drew money there. If I am not mistaken they have it Babe on the 1895 roll, and in lead pencil too.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the testimony in the above and foregoing matter, and that the above and foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the 23rd day of October, A. D., 1903, at Muskogee, Indian Territory.

*Edward Morris*  
NOTARY PUBLIC.

C-2947  
2949.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Mollatto, I. T., July 13, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for  
the enrollment of Margaret, Horte Larney and Emay as citizens of  
the Creek Nation.

JIMSY FISH, being duly sworn, testified as follows:

Through J. G. McIntosh Official Interpreter:

By Commission:

- Q What is your name? A Jimsy Fish.  
Q What is your post office? A Indianola.  
Q How old are you? A I don't know.  
Q About how old are you? A At the time of the War I was a very  
good sized boy and saw the fight at Elk Creek.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q What town do you belong to? A Hutechshuppa. I am a member of  
the house of kings at the present time.  
Q Do you know Wiley Fish? A Yes, sir.  
Q What relation is he of yours? A He is the son of my brother.  
Q Do you know the family of Margey Larney? A Yes, sir.  
Q Do you know whether there was ever any one in that family by the  
name of Emay? A I don't know.  
Q Did you know Meliissa? A I don't know her by that name.  
Q Did you know Mechasey? A Yes, sir.

-----0-----

D. C. Skaggs, on oath, states that the above and foregoing is a  
full, true and correct transcript of his stenographic notes as taken  
in said cause on said date.

Subscribed and sworn to before me this August 3, 1904.

*D. C. Skaggs*  
*Charles H. Lanyon*

Notary Public.

F. E. N.

C. 2947.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Okmulgee, I. T., October 28, 1904.

In the matter of the application for the enrollment of Margaret  
as a citizen by blood of the Creek Nation.

LAWYER DEERE, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

- Q What is your name? A Lawyer Deere.  
Q How old are you? A I was six years old at the out-break of the  
Civil War.  
Q What is your post office? A Yeager.  
Q Did you know Margaret? A Yes, sir. Her proper name was Margee  
Larney. She was the daughter of Artus Hebiye.  
Q Is she living or dead? A She is dead.  
Q How long has she been dead? A She died at the time the smallpox  
was so fatal in the western part of the Creek Nation.  
Q Was that before or after the Creek Land Office opened? A I am of  
the opinion that she died before the Curtis Act went into effect. It  
was when the smallpox first broke out in the Creek Nation.

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I, D. C. Skaggs, on oath state that the above and foregoing is  
a full and true transcript of my stenographic notes as taken in said  
cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 4 day of Nov 1904.

Charles E. Sawyer  
Notary Public

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Okmulgee, I. T., November 2, 1904.

C. 2947.

In the matter of the application for the enrollment of Margaret,  
deceased, as a citizen by blood of the Creek Nation.

NOGUS FIXICO, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

- Q What is your name? A Nogus Fixico.
- Q How old are you? A Sixtythree.
- Q What is your post office address? A Okemah.
- Q To what town in the Creek Nation do you belong? A Tulwathlocco.
- Q Did you know Margaret? A Yes, sir.
- Q Is she living? A Dead.
- Q How long has she been dead? A She died in the year that the Creek Land Office was opened.
- Q Did she die before or after the Creek Land Office opened? A She has been dead something like five years--I think she died after the land office opened.
- Q In what month did she die? A It was either in March or April.
- Q Had people begun farming operations when she died? A Yes, sir, the white farmers were plowing their ground but none of the Indian farmers had begun.
- Q How high was the grass? A The grass was just beginning to appear and was quite green in the valleys.
- Q Had the people in your neighborhood begun filing on their land when Margaret died? A Yes, sir, some of them had come to Muskogee and filed on their allotments.
- Q Can you name any one who had filed on his allotment at the time she died? A No, sir, the people in my immediate neighborhood were against taking allotments and it was about a year after the opening of the land office before any of them filed upon their land but the people in the eastern part of the Nation were filing upon their land at the time she died.
- Q Are you positive that people were filing upon their land before she died? A Yes, sir I am positive.
- Q Are you positive that she died in either March or April? A Yes, sir.
- Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir, it was in April.
- Q What year was it? A 1899.
- Q How could she have died in March if she died the year the land office opened and died after people had begun filing on their land?
- A I only remember the circumstances and I may be mistaken but I know the white people had begun farming operations and white people, as a rule, begin plowing in March.
- Q About how long was it after the filing had begun that she died? A I cannot be positive about the month.
- Q With what disease did she die? A I was told she died with the smallpox.
- Q Did she live in your neighborhood? A She lived about ten miles from my place.
- Q Did she die when the smallpox first broke out or about the time it was ceasing? A She died about the time the smallpox disappeared.
- Q Was she placed in a pest-house when she had the disease? A She died at her own house.
- Q Has she any children living? A She had one, a daughter.
- Q What was her name? A I do not know her name. I know her name at one time but I have forgotten.



C. 2947.---2.

Q Has Margaret any brothers or sisters living? A She belonged to Tuckabatche Town and if she had any relatives they lived over there and I was not acquainted with them.  
Q Was Margaret married? A No, sir. I understand she had a husband at one time but she had no husband at the time of her death.  
Q What was her post office address at the time she died? A Arbeka.  
Q Did she ever have a daughter named Hattie? A I do not know.  
Q Peggie Sinner would be a good witness in this case.  
Q What is her post office address? A Okmah.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 14 day of November, 1904.

Charles H. Sawyer  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
WASHNETKA, I.T., November 18, 1904.

G. 2949.

In the matter of the application for the enrollment of Hekte  
Larney and Emey, deceased, as citizens by blood of the Creek Nation.

WOCUB FIXICO, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

MY COMMISSION:

- Q What is your name? A Wocus Fixico.  
Q How old are you? A Sixty-three.  
Q What is your post office? A Okemah.  
Q Are you a citizen of the Creek nation? A Yes, sir.  
Q What town do you belong to? A Tulwathlesee.  
Q Do you know Hekte Larney? A Yes, sir.  
Q Is she living? A Dead.  
Q How long has she been dead? A I am under the impression that she  
died the year the land office opened--about the time that my children  
died with the smallpox at the Charley Coker pest-house.  
Q Did Hekte Larney die before your children died? A sometime  
before I think.  
Q Did she die before or after the opening of the Creek Land Office?  
A I am quite certain that she died before the land office opened but  
in the same year.  
Q Who were her parents? A Artus Homathla and Margey Larney.  
Q How old was she at the time of her death? A Over forty-five.  
Q To what town did she belong? A Tuskabatche.  
Q Did you know a half sister of hers named Emey? A I did not know  
her and can give you no information about her.

---oooOoo---

I, D. C. Skaggs, on oath state that the above and foregoing is a  
full and true transcript of my stenographic notes as taken in said  
cause on said date.

Subscribed and sworn to before me this 18 day of November, 1904.

*D C Skaggs*  
*Mauphile*  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Okemah, I. T., February 25, 1905.

Ex. 697.

In the matter of the enrollment of Hokte Larney et al., as  
citizens by blood of the Creek Nation.

WILSON KNIGHT, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Wilson Knight.  
Q How old are you? A About forty-nine.  
Q What is your post office address? A Boley.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q To what town do you belong? A Arbuka Northfork.  
Q Do you hold any official position in the Creek Nation? A I am a former Town King.  
Q Did you know Hokte Larney, Melissa Larney and Andy, Nicey and Harper Jesse? A Yes, sir.  
Q They are all dead are they? A Yes, sir.  
Q To what town did these people belong? A Tuckabatche.  
Q Do you know when Hokte Larney died? A She died in February of the year the land office opened.  
Q Do you know what time in February? A I have never been able to fix the exact day on which she died and only know that she died in that month.  
Q When did Melissa Larney die? A She died in the same month and about the same time.  
Q When did Andy Jesse die? A About the same time.  
Q When did Nicey and Harper Jesse die? A In the same month, about the same time. They all died of the small-pox.  
Q Did they die in a pest camp? A They all died at the home of Margey Larney.  
Q How do you fix the date of the death of these people? A A notice from the District Judge, Josiah Loney, to the effect that the Creek Chief, Isparhiche, had called an extraordinary session of the Council to convene at Okmulgee on March 15, 1899. I have the notice at home. It bears the official stamp and signature of the Judge. At that time none of these people were living. All having died of the small-pox. Not one member of the household survived. When Council convened the subject of small-pox was brought up and discussed. Some member of the House from Tuckabatche made enquiry about these people and I got up and gave notice that they were dead.  
Q How far did these people live from you at the time they died? A They lived about four miles north of me.  
Q How long after they died did you hear of it? A I was informed by the guards right afterwards. The guards were white men detailed to see that there was no visiting between neighbors and they rode over the neighborhood nearly every day.  
Q Do you remember the exact circumstance of the opening of the Creek Land Office? A Yes, sir.  
Q When was the land office opened? A April, 1899.  
Q Did these people die before or after the land office opened? A They died before.  
Q Are you positive? A Yes, sir.  
Q Have you any interest in this case? A No, sir.  
Q Do you know whether or not a record was made of the death of any of these people? A I think not.  
Q Do you know any one else who would know when these people died? A No, sir.

Test. of William H.H. Scott.  
Relative to burning of pest-house.

-12:-

Q You are positive are you that Nocus Fixico's family all died before you went there? A Yes, sir, they were all dead before I got there.

Q That was before the first of April was it? A Yes, sir, it must have been. Sometime after I left my daughter had a Doctor from Kansas City doctoring her eyes. When I left here to go down there there was nothing the matter with her eyes. After the Doctor went back to Kansas City he wrote this letter. (presenting letter)

The witness presents a letter from Drs. Keith & Cox of Kansas City, dated the 19th day of March, 1899.

Q Who were the last to die in camp No. 3? A I couldn't tell you.  
Q Did you burn a house at Camp No. 3? A Yes, sir, we burned two or three.

Q Did you know Charlie Coker? A That name sounds familiar but I can't state that it is the man I know. When I went down there to burn his house he protested so that I just disinfected it and let him have his house.

Q Did you burn one of his houses? A Yes, sir.

Q When did you notify the Government that you were ready to raise the quarantine? A The last of March or about the first of April. ~~Amman~~ And they notified me to continue the quarantine for 18 days, and I dropped them all but one man and stayed there eighteen days.

Q When did you abandon Camp No. 3? A I abandoned Camp No. 3 and took everything to Camp No. 1, sometime about the first of April.

Q Did you burn the pest-house the day you abandoned it? A Yes, sir.

Q How long was that after the last patient died there? A Well, I couldn't tell you. I think Charlie Coker lost three or four children and probably his wife died. He come to me and asked me if he might build a fire by the grave every night.

Q Do you know whether or not his wife and children died prior to the first of April? A They must have died before the first of April but I couldn't swear to it. If I could get the date I went in there and the date I come but I could tell you.

Q Do you know whether or not a young man named Osa Heneha died in that pest camp? A I couldn't tell you.

Q How many patients did you lose at camp No. 2? A Never lost a one When I got there there was but one patient there.

Q Had any one died there? A The yeard was full of graves.

Q Do you remember the names of any of them? A No, sir.

Q Is it not a fact that nearly all of the people who were stricken with the small-pox died in February and March? A Yes, sir, I think so.

Q The quarantine was raised on all the camps in April? A Yes, sir. to the best of my knowledge. All I know about these patients the Fixico family all died before I got there. I never saw them.

Q How long after the last patient died that you recommended the quarantine raised? A That would be hard to tell. The last patient that died was one of Charlie Coker's children which died at pest camp No. 3, and it was sometime after that that I recommended the quarantine raised and the pest-houses were burned.

IP D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 12th day of May, 1905.

*D. C. Skaggs*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Oklahoma, I. T., February 25, 1905.

En. 836.

In the matter of the enrollment of Martha Larney as a citizen by blood of the Creek nation.

WILSON KNIGHT, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Wilson Knight.  
Q How old are you? A About forty-nine.  
Q What is your post office address? A Boley.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q To what town do you belong? A Arbeka Northfork.  
Q Did you know Martha Larney? A Yes, sir. She was known as Margey Larney.  
Q Was she ever known simply as Margey or Margarette? A yes, sir, though her proper name was Margey Larney.  
Q To what town did she belong? A Tuckabatche.  
Q Do you know when she died? A At the same time that Hoke Larney died. They all lived together and they all died of the small-pox in the same month and year about the same time.

Reference is here made to the testimony of Wilson Knight in enrollment case 697.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 8 day of April 1905.

*D. C. Skaggs*  
*E. W. L. Trine*  
Notary Public.

En. 697.  
836.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Okemah, I. T., February 27, 1905.

In the matter of the enrollment of Hokte Larney et al., as  
citizens by blood of the Creek Nation.

JACKSON KNIGHT, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Jackson Knight.  
Q How old are you? A About fifty-one.  
Q What is your post office address? A Boley.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q To what town do you belong? A Arbeka.  
Q Did you ever hold any official position in the Creek Nation? A I  
used to be Town King of Arbeka and also Light Horseman.  
Q Did you know Hokte Larney? A Yes, sir. but I do not know any of  
her children.  
Q Do you know when she died? A No, sir, I am unable to give you the  
date of her death--she died of the small-pox.  
Q Did she die before or after the Creek Land Office opened? A She  
died before people began filing.  
Q What fixes it in your mind that she died before that time? A  
Because no one had made selection of land at the time the small-pox was  
raging in this section of the country and was so fatal. The disease  
was most fatal during the months of December and January preceeding  
the opening of the Creek Land Office. ~~Margey's~~ husband Mejesky or  
Jesse, caught the disease up at Hillabee Hutche and came home and the  
whole family then caught the disease and every one of them died with  
it.  
Q Did you know Margey Larney? A Yes, sir.  
Q When did she die? A She died at the same time.  
Q What relation was she to ~~Hank Chapman's~~ Hokte Larney? A She was  
Hokte Larney's mother.  
Q Did you know a member of that family named Emmey? A No, sir, I  
only know Margey and Hokte. I do not know any of the children.  
Albutta Harjoche's wife would probably give you the names of all of  
them. She lives near Castle.  
Q Are you positive that Hokte and Margey Larney died before the  
land office opened? A Yes, sir.

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I, D. C. Skaggs, on oath state that the above and foregoing is a  
full and true transcript of my stenographic notes as taken in said  
cause on said date.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 1905.

Notary Public.

C-3270.

No. 897-230.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Okemah, I. T., February 22, 1905.

In the matter of the enrollment of Hokte Larney et al., as citizens by blood of the Creek Nation.

MARVY HARJO, being duly sworn, testified as follows:

Through Alex Pessey Official Interpreter:

BY COMMISSION:

Q What is your name? A Marvy Harjo.

Q How old are you? A I do not know.

Witness appears to be about thirty years old.

Q What is your post office address? A I have no post office address. (Castle)

Q Are you a citizen of the Creek Nation? A Yes, sir.

Q To what town do you belong? A Hutshechuppa.

Q Do you know Hokte Larney? A Yes, sir, I know her all my life.

Q Did she have any children? A She had three children, two boys and a girl.

Q ~~How~~ What were their names? A Andy, Harper and Wicoy.

Q Who was the father of these children? A Melissa.

Q Did you know Melissa Larney? A Yes, sir, Melissa Larney and Hokte Larney are one and the same person. She was the daughter of Artussee Lehomatch who belonged to Hutshechuppa Town.

Q Do you know when Hokte Larney and her children died? A I am unable to fix the date but they all died in the winter of the year the small-pox was so bad in this part of the country.

Q In what month do you think it was that they died? A I do not know whether it was December or January but they were the first to die of the small-pox in this immediate vicinity. They caught the small-pox while on a visit to Barney Thlesco, a brother of Hokte Larney's husband, up at Hillsabee Hutshe, they came back home and not one of the family survived.

Q Do you remember the circumstance of the opening of the Creek Land Office? A I remember of people talking about allotment and going to Muskogee to file.

Q Do you know whether or not these people died before or after the opening of the land office? A They died before people began filing on their ~~own~~ land.

Q Did you know Martha or Margie Larney? A Yes, sir.

Q Do you know when she died? A At the same time that Hokte Larney and the rest of the family died.

Q What relation was she to Hokte Larney? A Mother.

Q Did you know Sarveska? A Her proper name was Sarvaha.

Q What relation was she to Margie Larney? A Sister.

Q How old was she? A She was over middle age.

Q Do you know when she died? A At the time the rest of the family died.

Q To what town did these people belong? A Tuckabatche.

Aaron Grayson, being duly sworn, testified as follows:

Through Alex Pessey Official Interpreter:

BY COMMISSION:

Q What is your name? A Aaron Grayson.

Q How old are you? A Thirty-three.  
 Q What is your post office address? A Okemah.  
 Q Are you a citizen of the Creek Nation? A Yes, sir.  
 Q To what town do you belong? A Arkansas.  
 Q Did you know Margie Larney? A Yes, sir, I knotted Margie Larney.  
 Q How far from you did she live? A She lived about two miles from where I live now and she moved over there about three miles when she died.  
 Q Do you know when she died? A I don't know the exact date. They commenced dying right after Old Christmas---after New Years the next eight days they call the Old Christmas---right after that, about the last of January or the first of February they commenced dying.  
 Q Did Margie Larney die at that time? A Yes, sir.  
 Q Did you know Hoke Larney? A Yes, sir.  
 Q Did you know her children? A Yes, sir, I did but I don't believe I could call all their names.  
 Q When did they die? A They died just about the same time. They died after the death of the old lady. They all died just one right after another.  
 Q Do you know whether or not Hoke Larney had a half sister named Melissa Larney? A No, I don't know.  
 Q Was she ever known as Nellissa? A Not that I know of. I never knowed her by that name.  
 Q Did you know a member of that family named Sarwosko? A No I don't recollect her. Perhaps I knew her but don't know her by that name.  
 Q Who was Hoke Larney's husband? A Majassie.  
 Q Is he living? A He died too.  
 Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir, if I mistake not it opened up the first day of April, 1900.  
 Q Did you say these people died in 1899? A Yes, sir. I think I gave you that wrong, didn't the land office open in 1899. I filed in 1900 and it was a year after the land office opened.  
 Q Did these people die before or after the land office opened? A They died before the land office opened. They died in 1899 but it was in the month of February.  
 Q You are positive? A Yes, sir. The first day of April the land office was to be opened and Peggie Simmons brought that advertisement.  
 Q At that time none of these people were living? A None of them were living.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 10th day of May, 1906.

*D. C. Skaggs*  
*Edw. L. Skaggs*  
 Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Cushing, Okla. Terr., March 3, 1905.

In the matter of establishing the date of the burning of the Charlie Coker pest-house during the small-pox epidemic in the western part of the Creek Nation.

WILLIAM H. H. SCOTT, being duly sworn, testified as follows:

BY COMMISSION:

- Q What is your name? A William H. H. Scott.
- Q How old are you? A Sixty-four.
- Q What is your post office address? A Cushing, Oklahoma.
- Q Are you a citizen of the United States? A Yes, sir.
- Q Were you the Doctor in charge of the small-pox camp during the small-pox epidemic in the western part of the Creek Nation? A Yes, sir and had full supervision.
- Q By whom were you employed? A By Lee Patrick.
- Q What official position did Lee Patrick hold? A He was agent but from some reason I couldn't tell just what he had the supervision of the Creek Country and the Sac and Fox country to.
- Q/ When did you assume your duties? A That is what I can't tell but he can tell you exactly.
- Q Do you know in what year? A It was six years ago.
- Q Do you know in what month? A I think it was in the first of February.
- Q How many camps did you establish? A Only three. One on Deep Fork and one further down on Deep Fork and one on the Canadian.
- Q How did you designate them? A No. 1, 2, and 3.
- Q Did you establish them all at the same time? A I never established any of them myself. They had them established when I went down there. I was there just ninety days, I think, but I had a record of everything. I write it out in the morning and read it to the man who took it to Lee Patrick. I made a record of everything.
- Q How long had those pest-camps been established at the time you took charge? A I couldn't tell you.
- Q How many patients died after you took charge of pest-camp No. 1? A There were about fifteen died. The next morning after I took charge they were all dead except Hannah Bluford and a little boy who died afterwards----and there was another man that I brought in from east of Hospital No. 1, I do not know his name.
- Q Did Hannah Bluford afterwards die? A Yes, sir, my best judgment would be that Hannah Bluford died near the first of April. They brought her to the camp and I buried her.
- Q Do you think it was before the first of April? A To the best of my knowledge I think it was near the first of April.
- Q Do you know Hector Beaver? A Yes, sir, he was my interpreter.
- Q Did Hector Beaver lose any member of his family in that pest-camp? A Yes, sir, he had no relatives left. His wife and I think three children. That was before I took charge.
- Q Do you know what Hector Beaver's wife's name was? A No, sir, she was dead when I got there and the Fixico family was dead before I got there and I know nothing of them.
- Q About what month did you get there? A I think it was in February. I got home sometime in April and I think I was there somewhere between eighty and one-hundred days. My judgment is that Hannah Bluford was buried there in March. I remember when she was buried the ground was hard and dry and there was no green vegetation growing. She was a relation of Hector.



Ex. 697.--2.

Q Did Nekte Larney have a half sister named Emmy? A she had a daughter who was about grown but I do not know her name.

Q Did she also die when the rest of the family died? A Yes, sir.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 1906

Notary Public.

C. 6917.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Morse, I. T., March 10, 1905.

In the matter of the enrollment of Hekte Larney et al., as citizens by blood of the Creek Nation.

Nafa Butcher, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Nafa Butcher.  
Q How old are you? A About thirty-five.  
Q What is your post office address? A Morse.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q To what town do you belong? A Muyaka.  
Q Did you know Hekte Larney? A Yes, sir.  
Q To whom was she married? A To Mejessie.  
Q Did she have any children? A Yes, sir, I think she had about three.  
Q Do you know the names of any of them? A Nicey, Andy and Harper.  
Q Did you know Margey Larney? A Yes, sir.  
Q Did you know Melissa Larney? A I do not remember her. There was a large family of them and they all lived together up the country west of here.  
Q Do you know when these people died? A They all died of the small-pox.  
Q Do you know in what month? A January or February. I am inclined to think it was in January.  
Q Did they all die about the same time and at the same place? A Yes, sir. I understand they were all killed by the white doctor in attendance by giving them too much cold water while their fever was very high.  
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.  
Q Did these people all die before or after the opening of the Creek Land Office? A They all died before the land office opened. The section lines were established at that time but allotment had no yet begun.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 13th day of May, 1905.

*D. C. Skaggs*  
*J. M. McDermott*  
Notary Public.

Ex. 697,  
C.I. 2649,  
2947.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
HOLBENVILLE, I. T., SEPTEMBER 29, 1906.

In the matter of the application for the enrollment of  
Hokte Larney, et al, as citizens by blood of the Creek Nation.

TOM CULLER being duly sworn testified as follows:  
Through Alex Posey, Official Interpreter.

BY THE COMMISSIONER:

- Q What is your name? A Tom Culler.  
Q How old are you? A 66.  
Q What is your postoffice address? A Yeager.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q To what Creek town do you belong? A Tuckbatche. I am a  
member of the House of Warriors from my town, and the people  
you mentioned were members of my town.  
Q Were you acquainted with Hokte Larney, and her children Andy,  
Nicey, and Harper Jessie? A Yes sir.  
Q Did you also know Melissa Larney and Martha (or Margy) Larney?  
A Yes sir.  
Q Did you know another member of this family named Emay or Emey?  
A I think Hokte Larney had a daughter of that name; there were  
seven members of the family; Martha or Margy Larney was the  
mother of Hokte Larney; the others were the children of Hokte  
Larney; the father of Hokte Larney is Artus Lehomatah, who  
lives near Senora.  
Q These people are all dead, are they? A Yes sir, the only  
surviving member of the family is the father of Hokte Larney.  
Q Do you know when any of the members of this family died?  
A I am unable to say just when any of them died; all I know is  
that the whole family died with the small pox at about the  
same time in the western part of the Creek Nation, during a  
small pox epidemic.  
Q We have affidavits executed by yourself and Jim Davis August  
23, 1902, in which it is stated that Hokte Larney, Melissa  
Larney, Harper, Andy and Nicey Jessie died April 4, 5, 6, 7  
and 8, 1899, respectively. Do you remember executing such  
affidavits? A No sir, I never executed such affidavits,  
if my name appears upon any affidavits in the possession of  
the Commission with reference to the death of the persons men-  
tioned it was put there without my knowledge or consent.  
Kosa Fixico (now dead), a brother of Martha Larney authorized  
John Jacobs to make application for the enrollment of Hokte  
Larney and her children, and he it was, I understand, had the  
papers fixed out. I had nothing to do with it whatever.

- Q Do you know about when these people died? A No sir; all I know is that they died with the small pox, I do not know in what month or year.
- Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes sir.
- Q Were these people living at that time? A Yes sir.
- Q How do you know? A Because Kesa Pixico told me that they were entitled to enrollment.
- Q Then you do not know of your own personal knowledge that they were living at the time the Creek Land Office was opened? A No sir.
- Q How far were you living from these people when they died? A I do not know, but quite a ways; they were living beyond the North Canadian, out in the Western part of the Creek Nation, and I was living near here.
- Q How long was it after they died until you heard about it? A About four days, I think; I remember because I had just been vaccinated and my arm was not yet well.
- Q In what season of the year was it? A It was in the Spring of the year, I do not know in what month.

Testimony of Jim Davis.

JIM DAVIS being duly sworn testified as follows:  
Through Alex Posey, Official Interpreter.

BY THE COMMISSIONER:

- Q What is your name? A Jim Davis.
- Q How old are you? A I am about 36 years old.
- Q What is your postoffice address? A Yeager.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q To what Creek town do you belong? A Tuckbatche.
- Q Did you know Hokte Larney, and her children, Andy, Harper and Niccy & Jessie? A Yes sir.
- Q Did you know Martha and Melissa Larney, and another member of that family named Amey or Emey? A I knew Martha, but I do not remember Melissa and Amey, but I think that they were the children of Hokte Larney. I did not know the names of all of her children.
- Q What relation are these people to you? A Martha Larney was my grandmother.
- Q These people are all dead, are they? A Yes sir.
- Q Do you know when any of them died? A They all died with the Small Pox but I do not know the month or year.
- Q Did they all die about the same time? A Yes sir.
- Q Have you ever executed any affidavits with reference to the death of any of these people? A No sir.
- Q We have five joint affidavits executed by yourself and Tom Culler, August 23, 1902, setting forth the dates of the deaths of Hokte and Melissa Larney, Harper, Andy and Niccy Jessie. Do you remember executing such affidavits? A No, I never

executed such affidavits, I had nothing to do with making applications for their enrollment and did not know that any of the people you mentioned had been enrolled, and given allotments until one day I received certificates of allotment issued to them by the Commission. I made investigation as to who had them enrolled and found that John Jacobs had made application for them. I turned the certificates of allotment, which I received from the Commission, over to him and I presume that he has them yet.

- Q Did you ever authorize anybody to sign your name to any papers about these people? A No sir, John Jacobs and Kosa Fixico fixed out all the papers in the case without my knowledge. I would probably have taken some interest in the matter if I had been called upon as Hekte Larney, Martha Larney and the rest of that family were my kin people, but I absolutely know nothing as to when they died.

---

James B. Myers, being first duly sworn, states, that as stenographer to the Commissioner to the Five Civilized Tribes, he recorded the testimony in the foregoing proceedings, and that the above is a true, and correct transcript of his stenographic notes thereof.

James B. Myers

Subscribed and sworn to before me, this 3 day of October, 1906.

Chas. B. Ray  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, June 27, 1907.  
Creek Land Office.

In the matter of selecting an allotment and designating of the homestead, tentatively, for Governor Grayson on lands which have heretofore been allotted to Harper Jesse, who appeared upon the Creek Indian Roll opposite No. 9511, and who was stricken from the roll on March 4, 1907.

Jim Grayson, being first duly sworn by S. C. Pitts, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Jim Grayson.  
Q What is your age? A 38.  
Q What is your post-office address? A Porter.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q What is the name of your minor child whom you desire to file for?  
A Governor Grayson.  
Q Is he living? A Yes, sir.  
You have designated for the homestead of Governor Grayson  
The SW/4 of the NE/4 of section 35, township 19 north,  
range 7 east;  
and for the allotment  
The NW/4 of the SE/4 and the E/2 of the SW/4 of section  
35, township 19 north, range 7 east.  
Q Have you been over and examined this land? A yes, sir  
Q Are you fully informed as to the location of the same and the  
character of the soil? A Yes, sir.  
Q Are there any improvements on this land? A little cultivated  
land (indicating) the SE/4 of the SW/4.  
Q Who owns these improvements? A Harper Jesse.  
Q Do you understand that he has filed on this land which you have  
made tentative application for? A yes, sir.

The applicant is now notified that the land which he desires to make a tentative application for his minor child, Governor Grayson, has heretofore been allotted to Harper Jesse, who appeared upon the Creek Indian Roll opposite No. 9511, and deeds numbered 27752 and 27753 were delivered to the Chief on June 8, 1904, and whose name was stricken from the roll under the authority of the Department of the Interior on March 4, 1907 (I.T.D. 7864-1907).

- Q Do you now desire to make a tentative application for the lands which have heretofore been allotted to Harper Jesse? A Yes, sir.  
Q Do you understand that no certificates will be issued nor deeds prepared until the final cancellation of the allotment of Harper Jesse by the United States Courts of Indian Territory? A yes, sir.  
Q Are you willing to accept this tentative application under these conditions? A yes, sir.

Jim Crayton-----

- Q Are there any schools, churches or court houses on this land?  
A No, sir.  
Q Do you make this application of your own free will and in good faith in all respects? A Yes, sir.

WITNESS EXCUSED.

Raphael Lowrey, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes taken in said cause on June 27, 1907.

*Raphael Lowrey*

Subscribed and sworn to before me this 27th day of June 1907.

Notary Public.

\_\_\_\_\_. 190 \_\_\_\_.

Commissioner.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, June 27, 1907.  
Creek Land Office.

In the matter of selecting an allotment and designating of the homestead, tentatively, for SARAH GRAYSON on lands which have been heretofore allotted to Andy Jesse, who appeared upon the Creek Indian Roll opposite No. 9509, and whose name has been stricken from the roll.

Jim Grayson, being first duly sworn by S. C. Pitts, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Jim Grayson.  
Q What is your age? A 38.  
Q What is your post-office address? A Porter.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q What is the name of your minor child whom you desire to file for?  
A Sarah Grayson.  
Q Is she living? A Yes, sir.  
You have designated as the homestead for Sarah Grayson,  
The SW/4 of the SW/4 of section 36, township 19 north,  
range 7 east;  
and for her allotment,  
The SW/4 of the NE/4 and the E/2 of the NE/4 of section  
26, township 19 north, range 7 east.  
Q Have you been ever and examined this land? A Yes, sir.  
Q Are you fully informed as to the location of the same and the  
character of the soil? A Yes, sir.  
Q Are there any improvements on this land? A No, sir.  
Q Do you understand that this land has heretofore been allotted to  
a citizen who appeared upon the Creek Indian Roll? A Yes, sir.  
Q Do you know the name of that party? A Andy Jesse.

The applicant is notified that the land which he has applied for was allotted to Andy Jesse, deceased, who appeared upon the Creek Indian Roll opposite No. 9509, and deeds numbered 27338 and 27339 were delivered to the Chief of the Creek Nation on June 10, 1904, and who was, under authority of the Department of the Interior, stricken from the roll on March 4, 1907 (I.T.D. 7864-1907).

- Q Do you now desire to make a tentative application for this land?  
A Yes, sir.  
Q Do you understand that no certificates or deeds will be issued to this child of yours until the cancellation of the deeds which have been issued to Andy Jesse by the United States Courts of Indian Territory? A Yes, sir.  
Q Are you willing to accept this tentative application under the conditions which I have mentioned? A Yes, sir.  
Q Do you make this application of your own free will and in good faith in all respects? A Yes, sir.

WITNESS EXCUSED.

Raphael Lowrey, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he

Jim Grayson-----2--

reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes taken in said cause on June 27, 1907.

*Raphael Saurrey*

Subscribed and sworn to before me this 27th day of June, 1907.

Notary Public.

\_\_\_\_\_. 190\_\_\_\_\_.

Commissioner.

Changuek  
Younger Son

Was in early back  
at night for ~~some~~ before  
Pinto. But work with effort

Now he is in back  
on April. But work with  
effort opened

Younger light  
Same month as Hoke  
Lamp (February)

Younger light  
Before did before  
Ap. 1899

Younger light  
But before I opened in  
3.

Qara. Light in 3

Yapa. Light in 3

Chaston. Light in  
in August

2  
Hattie Larney

Mary Jones  
Died before said office  
opened. Before Jones was  
died at Charley Baker (has  
been decided that the was  
prior to Apr. 1897.

Jackson Keph. Asst. died  
before Apr. 1897.  
Whole family died before  
at same time

Passage Contrasted by  
husband for at Hillsboro  
Hutcheson (Boring) W. L. L. L.

~~Choctaw~~ ~~Since~~ ~~that~~

Tom Cullen ( was affendants

Don't know when they  
died and never made affidavit

Jim Ogden  
same.

Hooper & George Nelson &  
 Andy Wiley & Hooper Jones  
 Nelson Knight

died in February 1861  
 good reason for knowing

Positive they did before  
and office opened.

Wm. H. Hays. ~~and~~  
Hays, Hays & Hays  
Law, New York  
First page of Hays for  
Hays & Hays  
Hays & Hays on  
Hays & Hays.

Dec 2nd before 1865  
 of Charles Sumner, Roger, Rogers and  
 others in the Court and in the family  
 of the Court before 1865  
 in the Court before 1865

Kaya Butcher Lee and  
Jan before 18 June

IN RE  
THE DEATH OF

A CITIZEN OF THE

.....Nation

Approved.....

.....  
Commissioner.

*Filed Aug 27/02*



Copy

21

Department of the Interior  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the death of Hokite Larney  
(Here insert name of deceased)  
a citizen of the Creek Nation, who formerly resided at or near  
Arbeka Ind. Ter., and died on the 4<sup>th</sup> day of  
April 1889  
(Here insert name of post office)

AFFIDAVIT OF RELATIVE

United States of America, Indian Territory  
Western District

I, Jim Davis, on oath state that I am 30  
years of age and a citizen, by Blood of the Creek Nation;  
that my postoffice address is Holdenville Ind. Ter.; that I am  
Nephew of Hokite Larney  
(State relationship: as the father; an uncle; a cousin, etc.) (Here insert name of deceased)  
who was a citizen, by Blood of the Creek Nation  
and that said Hokite Larney died on the 4<sup>th</sup> day of  
April 1889  
(Here insert name of deceased)

WITNESSES TO MARK:

Must be Two  
Witnesses

John A. Jacobs  
Chas Rider

Jim his Davis  
mark

Subscribed and sworn to before me this 23<sup>rd</sup> day of August 1889

Chas Rider

Notary Public

AFFIDAVIT OF ACQUAINTANCE

United States of America, Indian Territory  
Western District

I, Tom Culler, on oath state that I am 50  
years of age, and a citizen, by Blood of the Creek Nation;  
that my postoffice address is Holdenville Ind. Ter.;  
(Here insert name of postoffice.)  
that I was personally acquainted with Hokite Larney  
(Here insert name of deceased)  
who was a citizen, by Blood of the Creek Nation;  
and that said Hokite Larney died on the 4<sup>th</sup> day of  
April 1889  
(Here insert name of deceased)

WITNESSES TO MARK:

Must be Two  
Witnesses

John A. Jacobs  
Chas Rider

Tom his Culler  
mark

Subscribed and sworn to before me this 23<sup>rd</sup> day of August 1889

Chas Rider

Notary Public

IN RE  
THE DEATH OF

a citizen of the

Nation.

Approved 190

Commissioner.

Filed Aug 27/07

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Andy Jessie  
(Here insert name of deceased.)  
a citizen of the Creek Nation, who formerly resided at or near  
Arbaca, Ind. Ter., and died on the 7<sup>th</sup> day of  
April, 1899  
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.  
UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western DISTRICT.

I, Jim Davis, on oath state that I am 30  
years of age and a citizen, by Blood, of the Creek Nation;  
that my postoffice address is Holdenville, Ind. Ter.; that I am  
First Cousin of Andy Jessie  
(State relationship: as the father; an uncle; a cousin, etc.) (Here insert name of deceased.)  
who was a citizen, by Blood, of the Creek Nation  
and that said Andy Jessie died on the 7 day of  
April, 1899  
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must Be Two Witnesses.) { John A. Jacobs  
Chas Rider Jim & Davis  
mark

Subscribed and sworn to before me this 23 day of August, 1899

(Seal)

Chas Rider

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western DISTRICT.

I, Tom Culler, on oath state that I am 50  
years of age, and a citizen by Blood of the Creek Nation;  
that my postoffice address is Holdenville, Ind. Ter.;  
(Here insert name of postoffice.)  
that I was personally acquainted with Andy Jessie  
(Here insert name of deceased.)  
who was a citizen, by Blood, of the Creek Nation;  
and that said Andy Jessie died on the 7 day of  
April, 1899  
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must Be Two Witnesses.) { John A. Jacobs  
Chas Rider Tom & Culler  
mark

Subscribed and sworn to before me this 23<sup>rd</sup> day of August, 1899

(Seal)

Chas Rider

Notary Public.

IN RE  
THE DEATH OF

a citizen of the

Nation.

Approved 190

Commissioner.

*Filed Aug 77/02*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Harper Jessie  
(Here insert name of deceased.)  
a citizen of the Blood Nation, who formerly resided at or near  
Alexa Ind. Ter., and died on the 6 day of  
April, 1899.  
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE  
UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western DISTRICT.

I, Jim Davis, on oath state that I am 30  
years of age and a citizen, by Blood, of the Creek Nation;  
that my postoffice address is Haldenville, Ind. Ter.; that I am  
First cousin of Harper Jessie  
(State relationship: as the father; an uncle; a cousin, etc.) (Here insert name of deceased.)  
who was a citizen, by Blood, of the Creek Nation  
and that said Harper Jessie died on the 6 day of  
April, 1899.  
(Here insert name of deceased.)

WITNESSES TO MARK:  
(Must Be Two Witnesses.) { Gabriel Jacobs  
Chas Rider

Jim <sup>his</sup> Davis  
mark

Subscribed and sworn to before me this 23 day of August, 1902.

(Seal)

Chas Rider

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western DISTRICT.

I, Tom Cullar, on oath state that I am 50  
years of age, and a citizen by Blood of the Creek Nation;  
that my postoffice address is Haldenville, Ind. Ter.;  
that I was personally acquainted with Harper Jessie  
(Here insert name of deceased.)  
who was a citizen, by Blood, of the Creek Nation;  
and that said Harper Jessie died on the 6 day of  
April, 1899.  
(Here insert name of deceased.)

WITNESSES TO MARK:  
(Must Be Two Witnesses.) { Gabriel Jacobs  
Chas Rider

Tom <sup>his</sup> Cullar  
mark

Subscribed and sworn to before me this 23<sup>rd</sup> day of August, 1902.

(Seal)

Chas Rider

Notary Public.

IN RE  
THE DEATH OF

a citizen of the

Nation.

Approved

190

Commissioner.

*Filed Aug 20 190*

*Copy*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Harte Sarney  
(Here insert name of deceased.)  
a citizen of the Cruck Nation, who formerly resided at or near  
Arheka, Ind. Ter., and died on the 4<sup>th</sup> day of  
April, 1899.  
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western DISTRICT.

I, Jim Davis, on oath state that I am 30  
years of age and a citizen, by Blood of the Cruck Nation;  
that my postoffice address is Halsenville, Ind. Ter.; that I am  
(Here insert name of postoffice.)  
Nephew of Harte Sarney  
(State relationship: as the father; an uncle; a cousin, etc.)  
who was a citizen, by Blood of the Cruck Nation  
and that said Harte Sarney died on the 4<sup>th</sup> day of  
April, 1899.  
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must Be Two  
Witnesses.)

John A. Jacobs  
Chas. Rider

Jim Davis  
mark

Subscribed and sworn to before me this

22<sup>nd</sup> day of

August

1899

(Seal)

Chas. Rider

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western DISTRICT.

I, Tom Culler, on oath state that I am 50  
years of age, and a citizen by Blood of the Cruck Nation;  
that my postoffice address is Halsenville, Ind. Ter.;  
(Here insert name of postoffice.)  
that I was personally acquainted with Harte Sarney  
(Here insert name of deceased.)  
who was a citizen, by Blood of the Cruck Nation;  
and that said Harte Sarney died on the 4<sup>th</sup> day of  
April, 1899.  
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must Be Two  
Witnesses.)

John A. Jacobs  
Chas. Rider

Tom Culler  
mark

Subscribed and sworn to before me this

22<sup>nd</sup> day of

August

1899

(Seal)

Chas. Rider

Notary Public.



02  
**IN RE  
THE DEATH OF**

.....  
*a citizen of the*

..... *Nation.*

.....  
*Approved* ..... *190* .....

.....  
*Commissioner.*

*Filed Aug 27/02*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Nacey Jessie  
(Here insert name of deceased.)  
a citizen of the Creek Nation, who formerly resided at or near  
Arbena, Ind. Ter., and died on the 8 day of  
April, 1899.  
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.  
UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western DISTRICT.

I, Jim Davis, on oath state that I am 30  
years of age and a citizen, by Blood, of the Creek Nation;  
that my postoffice address is Goldenville, Ind. Ter.; that I am  
First cousin of Nacey Jessie  
(State relationship: no the father, an uncle, a cousin, etc.) (Here insert name of deceased.)  
who was a citizen, by Blood, of the Creek Nation  
and that said Nacey Jessie died on the 8 day of  
April, 1899.  
(Here insert name of deceased.)

WITNESSES TO MARK:  
(Must Be Two Witnesses.) { John Jacobs  
Chas Rider } Jim & Davis  
mark  
Subscribed and sworn to before me this 23<sup>rd</sup> day of August, 1902  
Chas Rider Notary Public.

AFFIDAVIT OF ACQUAINTANCE.  
UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western DISTRICT.

I, Tom Cullen, on oath state that I am 50  
years of age, and a citizen by Blood of the Creek Nation;  
that my postoffice address is Goldenville, Ind. Ter.;  
(Here insert name of postoffice.)  
that I was personally acquainted with Nacey Jessie  
(Here insert name of deceased.)  
who was a citizen, by Blood, of the Creek Nation;  
and that said Nacey Jessie died on the 8 day of  
April, 1899.  
(Here insert name of deceased.)

WITNESSES TO MARK:  
(Must Be Two Witnesses.) { John Jacobs  
Chas Rider } Tom & Cullen  
mark  
Subscribed and sworn to before me this 23<sup>rd</sup> day of August, 1902  
Chas Rider Notary Public.

J. H. D.

Muskogee, Indian Territory, August 25, 1904.

E. B. Miller,  
Chief Clerk,  
Creek Land Office.

Dear Sir:

You are directed to suspend action in the matter of making allotments of land in the Creek Nation to the heirs of Harte Larney, deceased, whose name appears on the approved Creek Indian Roll, No. 9507, until further advised.

Respectfully,

Chairman.

2913

Muskogee, Indian Territory, August 25, 1904.

E. B. Miller,  
Chief Clerk,  
Creek Land Office.

Dear Sir:

You are directed to suspend action in the matter of making allotments of land in the Creek Nation to the heirs of Melissa Larney, deceased, whose name appears on the approved Creek Indian Roll, No. 9506, until further advised.

Respectfully,

Chairman.

99/3

Muskogee, Indian Territory, August 25, 1904.

E. B. Miller,  
Chief Clerk,  
Creek Land Office.

Dear Sir:

You are directed to suspend action in the matter of making allotments of land in the Creek Nation to the heirs of Andy Jessie, deceased, whose name appears on the approved Creek Indian Roll, No. 9509, until further advised.

Respectfully,

Chairman.

8813

Muskogee, Indian Territory, August 28, 1904.

H. B. Miller,  
Chief Clerk,  
Creek Land Office.

Dear sir:

You are directed to suspend action in the matter of making allotments of land in the Creek Nation to the heirs of Wiley Jessie, deceased, whose name appears on the approved Creek Indian Roll, No. 9510, until further advised.

Respectfully,

Chairman.

28/3

Muskogee, Indian Territory, August 25, 1904.

E. B. Miller,  
Chief Clerk,  
Creek Land Office.

Dear Sir:

You are directed to suspend action in the matter of making allotments of land in the Creek Nation to the heirs of Harper Jessie, deceased, whose name appears on the approved Creek Indian Roll, No. 9511, until further advised.

Respectfully,

Chairman.



4 697

Refer in reply to the following:  
Land: 89018-1904.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, Sept. 3, 1904.

The Honorable,  
The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes dated August 25, 1904, transmitting motion of the attorney for the Creek Nation for the reopening of the enrollment of Nancy Jessie, whose name appears upon the approved partial roll of citizens by blood of the Creek Nation opposite No. 95010.

An affidavit executed by Wilson Knight and Barney Yaboin, relative to the death of said Nancy Jessie, accompanies the motion. The affidavit sets forth that Nancy Jessie died prior to April 1, 1899.

In view of the statements contained in said affidavit it is believed that the motion should be allowed, the case reopened, and a rehearing ordered. I concur in the Commission's recommendation to this effect.

Very respectfully,

W.A. Jones,

Commissioner.

GAW-Ma.

Refer in reply to the following:  
Lana: 89016-1904.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, September 7, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes dated August 10, 1904, transmitting a communication from the attorney for the Creek Nation dated August 9, last, requesting that the matter relative to the enrollment of Andy Jennie as a citizen of the Creek Nation, No. ~~2209~~ <sup>2209</sup>, be re-opened, in order that the Creek Nation may have an opportunity to introduce testimony showing that Andy Jennie died prior to April 1, 1899.

Mr. Mott transmitted the affidavit of Harney Yalola and Wilson Knight, wherein they state that they personally know that Andy Jennie died prior to April 1, 1899. From his communication it appears that deeds numbered 27338 and 27339 have been issued. His communication or the Commission's report does not show whether said deeds have been approved by the Department and delivered to the heirs of the deceased citizen. However, as it would have been from the affidavit mentioned that the Creek Nation should be given opportunity to introduce testimony showing that Andy Jennie died prior to April 1, 1899, it is ~~very~~ <sup>highly</sup> recommended that the Commission to the Five Civilized Tribes be authorized to re-open the case and take additional testimony, provided the deeds have not been approved and

-2-

delivered, as above stated, in which event it is believed they should make additional report to the Department before final action with reference to re-opening the case is taken.

Very respectfully,

W. A. Jones,

Commissioner.

DAY-D.

# 697

Refer in reply to the following  
Land: 89014-1904.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, September 8, 1904.

The Honorable,  
The Secretary of the Interior,  
Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes dated August 28, 1904, transmitting a communication from the attorney for the Creek Nation dated August 9, 1904, requesting that the matter relative to the enrollment of Harper Jessie as a citizen of the Creek Nation be re-opened, and that a re-hearing be ordered.

Among the papers is the affidavit of Wilson Knight and Barney Yahola, wherein they state that they personally know that Harper Jessie died before April 1, 1899. Mr. Mott, attorney for the Creek Nation, makes mention of deeds numbered 27752 and 27753. He does not state, and the Commission's report does not show whether said deeds have been approved by the Department and delivered to the heirs of the deceased. It would seem, however, from the affidavit mentioned that the motion should be allowed and a re-hearing granted, provided deeds in favor of the deceased citizen or his heirs have not been approved by the Department and delivered to his heirs.

It is respectfully recommended that the motion be allowed

and the following action be taken: The motion be allowed and the matter be referred to the Commission for a re-hearing.

-2-

have been approved by the Department and delivered to the heirs of the deceased citizen, the Commission will take no action looking to the introduction of additional testimony until they shall have made further report and received further instructions.

Very respectfully,

W.A. Jones, Commissioner.

DAW-P.

Refer in reply to the following:  
Lam 190314-1064.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, September 8, 1904.

The Honorable,  
The Secretary of the Interior,  
SIR:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes dated August 28, last, forwarding a communication from the attorney for the Creek Nation dated August 9, 1904, requesting that the enrollment case of Melissa Larney be re-opened and a rehearing granted:

It is set forth in the affidavit of Wilson Knight and Barney Yahola that they personally know Melissa Larney died prior to April 1, 1899. Mr. Mott makes mention of deeds numbered 27336 and 27337. He does not state and the Commission's report does not show whether the deeds mentioned have been approved by the Department and delivered to the heirs of the deceased citizen.

From the affidavit of Wilson Knight and Barney Yahola it would seem that there is reasonable ground to presume that Melissa Larney died before April 1, 1899, and I therefore concur in the recommendation of the Commission that the case be re-opened and a rehearing ordered, with the understanding that if the deeds mentioned have been approved by the Department and delivered to the heirs of the allottee, no action will be taken by them looking to the introduc-

-2-

tion of additional testimony concerning the case, until they shall have made further report in the premises and shall have been given additional instructions by the Department.

Very respectfully,

W.A. Jones,

GAW-D.

Commissioner.



30.  
I.T.D. 7814-1904

412.H.  
112

DEPARTMENT OF THE INTERIOR,

WASHINGTON, September 18, 1904

Commission to the Five Civilized Tribes,  
Tulsa, Indian Territory.

Gentlemen:

August 26, 1904, you transmitted a motion filed by the attorney for the Creek Nation praying that the Creek enrollment case of Lacey Jennie be reopened, submitting in support of said petition the joint affidavit of Wilson Knight and Barney Yehola, which shows that said Lacey Jennie died prior to April 1, 1899. You recommend that the case be reopened.

Reporting in the matter September 3, 1904, the Acting Commissioner of Indian Affairs recommended that the action suggested by you be taken. Copy of his letter is inclosed.

The Department concurs in this recommendation. You are authorized to act accordingly.

Respectfully,

(Signed) THOS. L. YAL,  
Acting Secretary.

1 inclosure.

1004  
20018-1004

(copy)

DEPARTMENT OF THE INTERIOR,  
OFFICE OF LANDS ACQUISITION,

WASHINGTON, Sept. 8, 1904.

The Honorable,

The Secretary of the Interior,

SIR:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes dated August 20, 1904, transmitting motion of the attorney for the Creek Nation for the reopening of the enrollment of Henry Jemie, whose name appears upon the approved partial roll of citizens by blood of the Creek Nation opposite No. 50610.

An affidavit executed by Wilson Knight and Barney Yaboin, relative to the death of said Henry Jemie, accompanied the motion. The affidavit sets forth that Henry Jemie died prior to April 1, 1899.

In view of the statements contained in said affidavit it is believed that the motion should be allowed, the same responded and a rehearing ordered. I concur in the commission's recommendation to this effect.

Very respectfully,

W. A. Jones,

Commissioner.

22. 23. 24.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, September 10, 1904.

Commissioner to the New Civilized Tribes,  
Muskogee, Indian Territory.

**Garth Tennant**

During 1964, you submitted a petition filed by the Attorney for the Greek Nation requesting a rehearing in the matter of the "proclamation of ~~XXXX~~ LARRY", as a citizen by blood of the Greek Nation.

You recommend that the following be ordered:

Reporting in the matter September 7, 1904, the Commissioner of Indian Affairs expressed the opinion that the position should be affirmed, and the Department concurs. Copy of his letter is inclosed herewith. A rehearing is hereby ordered.

REPORT NO. 1111

(Alfred) Thompson

# ADDISON HOSPITAL

1. The following

Refer in reply to the following:  
Land: 88020-1804.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, September 7, 1904.

MEMORANDUM FOR THE SECRETARY

The Secretary of the Interior:

RE:

There is enclosed a report from the Commission to the Five Civilized Tribes dated August 20, 1904, transmitting a communication from the attorney for the Creek Nation dated August 9, 1904, requesting that the matter of the enrollment of H. C. Jarney as a citizen of the Creek Nation, No. 9807, be re-opened. Among the papers is the affidavit of Wilson Knight and Barney Yuhola, who state that they personally know that H. C. Jarney died prior to April 1, 1900.

From said affidavit it would seem that the motion should be allowed and a re-hearing granted, and I therefore concur in the recommendation of the Commission to that effect.

Very respectfully,

W. A. Jones,

Commissioner.

DAW-D.

I.T.D. 7266-1904.

DEPARTMENT OF THE INTERIOR,

JUN. 27/

WASHINGTON, September 27, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 25, 1904, you transmitted a petition filed by the attorney for the Creek Nation praying for a rehearing in the matter of the ~~was~~ enrollment of Andy Jessie as a citizen by blood. This petition is supported by the joint affidavit of Wilson Knight and Barney Yahola. <sup>From said affidavit</sup> it appears that Andy Jessie died prior to April 1, 1890. In connection with affiants, Wilson Knight and Barney Yahola, whose a joint affidavit has also been filed in a number of other cases which, on August 25, 1904, you also recommended be reopened, it is noted that they are apparently illiterate and possibly none too well informed respecting dates. Inasmuch as their names are the only ones showing by what witnesses the essential facts to be established are to be proved, it is desired that you inquire carefully concerning their creditability.

Reporting in the matter September 7, 1904, the Commissioner of Indian Affairs concurs in your recommendation that the case be opened, provided that deeds have not been approved by the Department and delivered to the heirs of the allottee. As land is not the only property to be distributed among the citizens of the Creek Nation, the rolls, if erroneous, should be corrected, even though deeds have been delivered through mistake. Accordingly the Department concurs in your recommendation. Said petition is hereby granted. A copy of the Commissioner's letter is inclosed.

1 inclosure.

Very respectfully, (Signed) Theo. Ryan,

# 697

Refer in reply to the following:  
1244159016-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 7, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes dated August 25, 1904, transmitting a communication from the attorney for the Creek Nation dated August 9, last, requesting that the matter relative to the enrollment of Andy Jessie as a citizen of the Creek Nation, No. ~~2509~~ <sup>2509</sup> be re-opened, in order that the Creek Nation may have an opportunity to introduce testimony showing that Andy Jessie died prior to April 1, 1899.

Mr. Mott transmitted the affidavit of Barney Yahola and Wilson Knight, wherein they state that they personally know that Andy Jessie died prior to April 1, 1899. From his communication it appears that deeds numbered 27338 and 27339 have been issued. His communication or the Commission's report does not show whether said deeds have been approved by the Department and delivered to the heirs of the deceased citizen. However, as it would have seem from the affidavit mentioned that the Creek Nation should be given opportunity to introduce testimony showing that Andy Jessie died prior to April 1, 1899, it is ~~fully~~ <sup>highly</sup> recommended that the Commission to the Five Civilized Tribes be authorized to re-open the case and take additional testimony, provided the deeds have not been approved and

delivered, as above stated, in which event it is believed they should make additional report to the Department before final action with reference to re-opening the case is taken.

Very respectfully,

W. A. Jones,

Commissioner.

GAW-D.



I.T.D. 7866-1904.

DEPARTMENT OF THE INTERIOR,

JWH. JP/

WASHINGTON, September 17, 1904.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

August 25, 1904, you transmitted a petition filed by the attorney for the Creek Nation praying for a rehearing in the matter of the ~~app~~ enrollment of Andy Jessie as a citizen by blood. This petition is supported by the <sup>Barney Yahola and Wilson Knight. From said affidavit</sup> joint affidavit, it appears that Andy Jessie died prior to April 1, 1899. In connection with affiants, Wilson Knight and Barney Yahola, whose a joint affidavit has also been filed in a number of other cases which, on August 25, 1904, you also recommended be reopened, it is noted that they are apparently illiterate and possibly none too well informed respecting dates. Inasmuch as their names are the only ones showing by what witnesses the essential facts, to be established are to be proved, it is desired that you inquire carefully concerning their creditability.

Reporting in the matter September 7, 1904, the Commissioner of Indian Affairs ~~a~~ concurs in your recommendation that the case be opened, provided ~~that~~ that deeds have not been approved by the Department and delivered to the heirs of the allottee. As land is not the only property to be distributed among the citizens of the Creek Nation, the rolls, if erroneous, should be corrected, even though deeds have been delivered through mistake. Accordingly the Department concurs in your recommendation. Said petition is hereby granted. A copy of the Commissioner's letter is inclosed.

Very respectfully, (Signed) Thos. Ryan,  
Acting Secretary

1 inclosure.

I.T.D.7302-1904.

JWM .LLE.LP.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, September 17, 1904.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

August 25, 1904, you transmitted a petition filed by the attorney for the Creek Nation for a rehearing in the matter of the enrollment of Harper Jessie, as a citizen by blood of the Creek Nation, recommending that said petition be allowed.

Reporting in the matter September 8, 1904, the Commissioner of Indian Affairs also recommended that the petition be allowed, providing, however, that deeds have not been approved by the Department and delivered to the heirs of the deceased citizen. As land is not the only property to be distributed among the citizens of the Creek Nation, it is necessary that that the rolls, if erroneous should be corrected, even though deeds have been delivered through mistake. Accordingly the Department concurs in your recommendation. Said petition is hereby granted. Copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

#697

JWH:X JP.

I.T.D.  
7304-1904.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, September 17, 1904.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

August 25, 1904, you transmitted a petition filed by the attorney for the Creek Nation praying for a rehearing in the Creek Enrollment case of Melissa Larney. You recommend that the petition be granted.

Reporting in the matter September 8, 1904, the Commissioner of Indian Affairs concurred in your recommendation, with in understanding that if deeds have been approved by the Department and delivered to the heirs of the allottee no action will be taken by you looking to the introduction of additional testimony in the case until ~~shall have been made~~. As land is not the only property further report, to be distributed among the citizens of the Creek Nation, the rolls, if erroneous, should be corrected, even though deeds have been delivered through mistake. Accordingly the Department concurs in your recommendation. Said petition is hereby granted. A copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

I. 4220.

Muskogee, Indian Territory, September 29, 1904.

Jim Davis,

Holdenville, Indian Territory.

Dear Sir:

The names of Hoke Larney, deceased, and Nicey Jessie, deceased, are contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior, November 14, 1902, Nos. 9507 and 9510, respectively. September 15, 1904, the Secretary of the Interior re-opened the matter of the enrollment of said persons and authorized the Commission to have a rehearing of the case.

You are hereby notified that on October 27, 1904, the Commission will, at its office in Muskogee, Indian Territory, hear such evidence as may be submitted by their heirs, relative to the right to enrollment as citizens of the Creek Nation of said Hoke Larney and Nicey Jessie. The Creek Nation will, at the same time and place, be permitted to introduce evidence in the case.

The Commission particularly desires evidence showing the date of death of said persons.

Respectfully,

Chairman.

Register.

COMMISSIONER:  
TAMM EDEY,  
THOMAS S. HENNING,  
G. S. BRADSHAW.  
WM. S. SMALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

74511

REPORT IN REPLY TO THE FOLLOWING

C. I. 4220.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Adm. In Jan*  
Muskogee Indian Territory, April 8, 1905.

E. B. Miller,

Chief Clerk Creek Land Office.

Dear Sir:

September 15, 1904, the Department re-opened the matter of the enrollment of Hekte Larney, opposite Roll Number 9507, and Nicey Jessie, opposite Roll Number 9510, whose names are contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior November 14, 1902.

You are directed to hold up the deeds in the matter of the allotment of land to said persons until you are further advised.

If said deeds have been delivered to the allottees you are directed to at once recall same and, in the event that you are unable to secure possession of same within a reasonable time, you are requested to advise this office concerning the steps that have been taken by you in compliance with this order.

Respectfully,

*[Signature]*  
Commissioner in Charge.

Muskogee, Indian Territory, June 12, 1906.

Jim Davis,

Holdenville, Indian Territory.

Dear Sir:

September 29, 1904, you were notified that on September 15, 1904, the Secretary of the Interior reopened the matter of the enrollment of Hekte Larney (deceased) and Nioey Jessie (deceased) as citizens of the Creek Nation, whose names are contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior November 14, 1902, opposite numbers 9507 and 9510, respectively, and that a rehearing in said case would be had at the office of the Commission, in Muskogee, Indian Territory, October 27, 1904.

You are hereby notified that on June 29, 1906, the heirs of said Hekte Larney (deceased) and Nioey Jessie (deceased), will be given an opportunity at the office of the Commission, in Muskogee, Indian Territory, to submit such evidence as they may desire relative to the right to enrollment of said Hekte Larney (deceased) and Nioey Jessie (deceased) as citizens of the Creek Nation. The Creek Nation will, at the same time and place, be permitted to introduce evidence in the case. The Commission particularly de-

J. D., 2.

sires evidence showing the dates of the deaths of said persons.

Respectfully,

Chairman.

Register.



Muskogee, Indian Territory, June 12, 1905.

Jim Davis,

Heldenville, Indian Territory.

Dear Sir:

The names of Melissa Larney, Andy Jessie and Harpor Jessie (all deceased) are contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior November 14, 1902, opposite numbers 9508, 9509 and 9511, respectively.

September 17, 1904, the Secretary of the Interior reopened the matter of the enrollment of said persons as citizens of the Creek Nation and authorized the Commission to have a rehearing in the case.

You are hereby notified that on June 29, 1905, the Commission will, at its office, in Muskogee, Indian Territory, hear such evidence as may be submitted by the heirs of said persons relative to their right to enrollment as citizens of the Creek Nation. The Creek Nation will, at the same time and place, be permitted to introduce evidence in the case. The Commission particularly desires evidence showing the dates of the deaths of said persons.

Respectfully,

Register.

Chairman.

# 697

EXECUTIVE OFFICE,

Muskogee Nation.

P. PORTER, Principal Chief.

M. L. MOFF, National Attorney.

(Copy)

Muskogee, Indian Territory, July 24th, 1905.

Commission to the five Civilized Tribes.

Muskogee, I. T.

My dear sir:-

Prior to the meeting of the Creek Council in October last, I made application to the Secretary of the Interior to reopen quite a number of cases upon the ground that the allotments had been secured by fraud. In every case the request was granted. When the Council met I advised them of the necessity of making an appropriation to pay the witnesses in these fraudulent cases. They passed an act appropriating five thousand dollars for this purpose. The President declined to approve the appropriation, setting out that he was advised by the Secretary of the Interior that a correction of these frauds could be had through the Courts. Having no money to pay the witnesses, and no means of bringing them before your Commission I will have to abandon any further effort to investigate them in the manner intended. In each case I withdraw motion for rehearing.

Yours very truly,

(signed)

M. L. MOFF,  
National Attorney.

COPIES IN HAND OF THE FOLLOWING:  
No. 497,  
C.I. 2679,  
2947.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Heldenville, Indian Territory, October 4, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

There is inclosed herewith the testimony of Tom Culler and Jim Davis taken by the Creek Field Party September 29, 1906, in the matter of the enrollment of Hoke Larney, et al, as citizens by blood of the Creek Nation, together with copies of testimony heretofore taken and other papers in relation to said cause.

Respectfully,

*W. M. May*  
In Charge,  
Creek Field Party.

JBM

Cr.I. 4820.

Muskogee, Indian Territory, February 19, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

September 15, 1904 the Department reopened the matter of the right to enrollment as a citizen by blood of the Creek Nation of Nicey Jessie, deceased, whose name is included in a schedule of citizens by blood of said nation approved November 14, 1902, opposite No. 9510; September 16, 1904 the Department reopened the matter of the right to enrollment as a citizen by blood of the Creek Nation of Hekte Larney, deceased, whose name is included in a schedule of citizens by blood of said nation approved November 14, 1902, opposite No. 9507; and September 17, 1904 the Department reopened the matter of the right to enrollment as citizens by blood of the Creek Nation of Melissa Larney, deceased, Andy Jessie, deceased, and Harper Jessie, deceased, whose names are included in a schedule of citizens by blood of said nation approved November 14, 1902, opposite Nos. 9508, 9509 and 9511 respectively.

June 12, 1905 the parties in interest were informed of the action of the Department and notified that on June 29,

1908 the Commission would at its office in Muskogee, Indian Territory hear such evidence as might be offered relative to the right to enrollment of said Hoke Larney, deceased, Melissa Larney, deceased, Andy Jessie, deceased, Niecey Jessie, deceased and Harper Jessie, deceased, as citizens by blood of the Creek Nation. On the day set no evidence was introduced and the cause was continued.

Testimony was offered relative to this cause February 12, 1904, February 25, 1905, February 27, 1905, February 28, 1905, March 10, 1905 and September 29, 1906. A copy of the testimony heard November 14, 1905 in the matter of the enrollment of Barney Thlocco, deceased, as a citizen by blood of the Creek Nation, is made a part of the record herein.

It appears from the evidence that beginning in the fall of 1898 and ending in the early part of the year 1899 there was an epidemic of smallpox in the western part of the Creek Nation, and that during that time said Hoke Larney, Melissa Larney, Andy Jessie, Niecey Jessie and Harper Jessie died of that disease. Your attention is respectfully directed to a report of this office to your Department under date of June 14, 1905, and particularly to paragraph 2, page 2, and paragraph 2, page 7, relative to the enrollment as citizens by blood of

the Creek Nation of Nellie Vinson et al., in which the date of beginning and the date of ending of said epidemic is virtually established.

The evidence and the records of this office show that on August 27, 1906 affidavits purporting to be the affidavits of Jim Davis and Tom Guller were filed stating that said Hoke Larney, Melissa Larney, Andy Jessie, Niece Jessie and Harper Jessie died subsequent to April 1, 1899. September 29, 1906 said Jim Davis and Tom Guller testified positively that they did not sign and execute such affidavits.

A preponderance of the evidence in this case shows that said Hoke Larney, Melissa Larney, Andy Jessie, Niece Jessie and Harper Jessie died soon after the beginning of said smallpox epidemic, and it is clearly established that they died prior to April 1, 1899.

It is, therefore, respectfully recommended that the names of said Hoke Larney, Melissa Larney, Andy Jessie, Niece Jessie and Harper Jessie be stricken from the approved roll of citizens by blood of the Creek Nation, opposite Nos. 9507, 9508, 9509, 9510 and 9511 respectively.

A copy of the record in the case is inclosed for Departmental consideration.

Very respectfully,

Through the Commissioner  
of Indian Affairs.

Commissioner.

Inc. CM-15-2

Cr. No. 697.

Muskogee, Indian Territory, February 20, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

September 15, 1904, the Department reopened the matter of the right to enrollment as a citizen by blood of the Creek Nation of Hickey Jessie, deceased, whose name is included in a schedule of citizens by blood of said Nation approved November 14, 1902, opposite number 9510; September 16, 1904, the Department reopened the matter of the right to enrollment as a citizen by blood of the Creek Nation of Hakte Jarney, deceased, whose name is included in a schedule of citizens by blood of said Nation approved November 14, 1902, opposite number 9507; and September 17, 1904, the Department reopened the matter of the right to enrollment as citizens by blood of the Creek Nation of Mallean Jarney, deceased, Andy Jessie, deceased, and Harper Jessie, deceased, whose names are included in a schedule of citizens by blood of said Nation approved November 14, 1902, opposite numbers 9508, 9509 and 9511, respectively.



**Secretary R.**

The records of this office show that said Hekta Jarney was the mother of said Andy Jessie, Niece Jessie and Harper Jessie, and that said Melissa Jarney was her half sister.

September 20, 1904, an attempt was made to inform the heirs of Hekta Jarney, deceased, of the action of the Department through Jim Davis, a nephew of said Hekta Jarney, and to notify them that the Commission at its office in Muskogee, Indian Territory, on October 27, 1904, would hear such evidence as might be introduced by the parties in interest relative to the right to enrollment of said Hekta Jarney and Niece Jessie. Like information and notice was also given to the attorney for the Creek Nation.

This office through its field party obtained testimony relative to the right to enrollment of said Hekta Jarney, deceased, Melissa Jarney, deceased, Andy Jessie, deceased, Niece Jessie, deceased, and Harper Jessie, deceased, November 17, 1904, February 25, 1905, February 27, 1905, February 28, 1905 and March 10, 1905.

June 17, 1905, an attempt was made to inform the heirs of said Hekta Jarney, deceased, Melissa Jarney, deceased, Andy Jessie, deceased, Niece Jessie, deceased, and Harper Jessie, deceased, of the action of the Department through Jim Davis, and to notify them that the Commission at its office in Muskogee, Indian Territory, on June 20, 1905, would hear such evidence as might be introduced by the parties in interest relative to the right to enrollment of said Hekta Jarney et al. Like information and notice was also

Secretary R.

given to the attorney for the Creek Nation. On the date set no evidence was introduced and the cause was continued.

This office through its field parties obtained further testimony relative to this cause September 29, 1908.

Affidavits relative to the dates of death of said Hekta Jarney, Melissa Jarney, Andy Jessie, Wiley Jessie and Harper Jessie, filed August 20, 1908, and a copy of the testimony heard November 14, 1908, in the matter of the enrollment of Jarney Thineco, deceased, as a citizen by blood of the Creek Nation, are made a part of the record herein.

The original affidavits filed by the attorney for the Creek Nation with his petitions for rehearing of the right to enrollment of these persons are on file with your Department.

It appears from the evidence that beginning in the fall of 1908 and ending in the early part of the year 1909 there was an epidemic of smallpox in the western part of the Creek Nation, and during that time said Hekta Jarney, Melissa Jarney, Andy Jessie, Wiley Jessie and Harper Jessie died of the disease. Your attention is respectfully directed to a report of this office to your Department under date of June 14, 1908, and particularly to paragraph 2, page 2, and paragraph 2, page 3, relative to the enrollment as citizens by blood of the Creek Nation of Willie Finson et al., in which the date of beginning and the date of ending of said epidemic is virtually established.

Secretary 4.

The evidence shows that on August 27, 1902, affidavits purporting to be the affidavits of Jim Davis and Tom Guller were filed with the Commission to the Five Civilized Tribes, which state that said Hoke Larney died April 4, 1899; that Melissa Larney died April 5, 1899; that said Andy Jessie died April 7, 1899; that said Niecey Jessie died April 8, 1899, and that said Harper Jessie died April 9, 1899. September 29, 1906, said Jim Davis testified that he did not sign or execute such affidavits, that he had nothing whatever to do with the application for the enrollment of said persons, and that on the same date said Tom Guller testified positively that he did not sign or execute such affidavits.

A preponderance of the evidence shows that said Hoke Larney, Melissa Larney, Andy Jessie, Niecey Jessie and Harper Jessie, died soon after the beginning of said smallpox epidemic, and it is clearly established that they died prior to April 1, 1899.

The records of this office show that selections of allotments were arbitrarily allotted to the heirs of said Hoke Larney, Melissa Larney, Andy Jessie, Niecey Jessie and Harper Jessie in the Creek Nation; that deeds Nos. 27334-27335, 27336-27337, 27338-27339, 27340-27341 and 27752-27753 were issued to them, and on May 4, 1904 were duly recorded. June 10, 1904 these deeds were transferred to the Principal Chief of the Creek Nation for delivery.

Secretary S.

It is, therefore, respectfully recommended that the names of said Hekte Larney, Melissa Larney, Andy Jessie, Nisey Jessie and Harper Jessie be stricken from the approved roll of citizens by blood of the Creek Nation, opposite Nos. 9507, 9508, 9509, 9510 and 9511 respectively, and the matter of the cancellation of their selections of allotments be referred to the Department of Justice for appropriate action.

In view of the fact that there is some doubt whether after March 4, 1907 the Department will have authority to strike names from the completed rolls, it is respectfully suggested that, if the Department concurs in the recommendation herein made, the said names be stricken from said rolls on or before that date.

The record in the case is inclosed for Departmental consideration.

Very respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

Inc. CM 19-2.

MINNESOTA, Indian Territory, January 27, 1907.

The Honorable,

The Secretary of the Interior:

Sir:

The records in possession of this office show that on May 26, 1901, an application was filed, in the form of a death certificate, for the certificate of Will Tiger, son of Jim Tiger, that at a later date, the names of the said Jim Tiger and said Will Tiger were placed upon the partial schedule of citizens of blood of the Creek Nation which was approved by the commission of the Interior March 12, 1902, the same appearing on the roll of Creek Indians 3-page numbers 241 and 242, respectively. On April 26, 1902, a supplemental death affidavit was filed with this office. A letter from a certain principal chief of the Creek Nation, dated August 12, 1902, was received by the Commissioner, stating that information had reached the office of the principal chief to the effect that the said Will Tiger had died prior to April 1, 1902, and accordingly made in favor of the heirs of Will Tiger, deceased, certain land and money. The Commissioner issued subpoenas for witnesses at the residence of Mrs. Nelson, noting attorney for the Creek Nation, and on July 12, 1902, the said witnesses appeared and testified in the said matter.

Secretary R.

It appears that the testimony introduced was that of disinterested witnesses and the weight of the evidence clearly shows that the said Eli Tiger died prior to April 1, 1899.

In view of the said evidence, the Commissioner recommends that the name of said Eli Tiger be stricken from the roll of Creek Indians by blood.

It is further recommended that inasmuch as deeds covering allotment selections to the heirs of Eli Tiger, deceased, have been issued, this matter be referred to the Department of Justice to the end that proper steps may be taken toward the recovery of the lands included in the said allotment and also that punishment may be meted out to persons guilty of fraud in this matter.

The entire record in this case is herewith transmitted.

Respectfully,

Through the Commissioner  
of Indian Affairs.

Commissioner.

JMR 27-11

Refer in reply to the following:  
Land: 21818-1907  
21819-1907  
21820-1907  
21821-1907.

Copy.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to trans- it herewith four communications from Commissioner Bixby forwarding testimony taken in the matter of striking names from the schedules of citizens of the Creek Nation.

The Commissioner recommends that in view of the record that authority be granted for the striking of Tarskege Hargo from the partial schedule of citizens by blood of the Creek Nation approved March 28, 1902, whose name appears opposite No. 8269, and the cancellation of the deeds covering the allotment made to this person be referred to the Department of Justice for appropriate action. Also recommending that authority be granted for the striking of the names of Harvey Patrick, Norman Patrick, Valdo Patrick, and Cora Patrick, from the approved roll of Creek freedmen, opposite Nos. 5529, 5530, 5531 and 5532, respectively; and recommending that inasmuch as deeds covering the allotment selections of these persons have been recorded and delivered, that the matter be referred to the Department of Justice to the end that proper steps may be taken looking to the cancellation of these deeds, and also that punishment may be meted out to the person or persons guilty of guaranteeing the fraud in



in securing the enrollment.

The Commissioner also calls attention to the fact that application was made under the provisions of the Act of April 26, 1906 (34 Stat.L., 137), for the enrollment of Royce Patrick, Loyce Patrick and Vennetta Patrick, the minor children of Harvey Patrick, as Creek freedmen; that these names were listed upon the partial schedule of Creek freedmen opposite Nos. 255, 260 and 261, respectively, and that this schedule is now in the hands of the Department. Inasmuch as these applicants have no more right to citizenship than their father, it is suggested that the Department upon arriving at a decision in the matter of the right to enrollment of Harvey Patrick and his children above mentioned, whose names already appear upon the approved Creek Roll, that action also be taken looking to the disapproval of the partial schedule upon which the names of Royce, Loyce and Vennetta Patrick appear, or for the striking of these names from that schedule.

The Commissioner in view of the record, recommends that the names of Hoke Jarney, Melissa Jarney, Andy Jessie, Nibby Jessie, and Harper Jessie, be stricken from the approved Roll of citizens by blood of the Creek Nation opposite Nos. 9507, 9508, 9509, 9510 and 9511, respectively; and that the matter of the cancellation of their selections of allotments be referred to the Department of Justice for appropriate action, as it appears that these persons died from an epidemic of smallpox and that the evidence taken in the matter clearly establishes the fact that they died prior to April 1, 1899.

In the matter of Chester Hawkins and James Hawkins, the Commissioner is of the opinion that they are not entitled to be enrolled as Creek freedmen and recommends that authority be granted for the striking of their names from the approved roll of Creek freedmen opposite Nos. 5453 and 5454, and that the matter of the cancellation of the selections of allotments made to them be referred to the Department of Justice for appropriate action for the reason that Chester Hawkins died May 27, 1898, and that James Hawkins is the son of Alice Greer, an unmarried woman, and has always resided with her in the State of Texas and never has resided in the Creek Nation.

The Office has examined the records in these cases and is of the opinion that the evidence is ample to justify the recommendations of the Commissioner in these cases, and that the Office recommends that the names be stricken from the rolls and that the Department of Justice be requested to take appropriate action to cancel the allotments and in the cases where fraud has been shown, that steps be taken to punish the persons guilty of the offense.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

KW:Ph.

Cr. En. 697

Muskogee, Indian Territory, March 13, 1907.

M. L. Mett,

Attorney for Creek Nation.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under Departmental instructions of March 4, 1907, (I.T.D. 7864-1906) the names of Hekte Larney, Melissa Larney, Andy Jessie, Nicey Jessie, and Harper Jessie have been stricken from the approved roll of citizens by blood of the Creek Nation opposite numbers 9507, 9508, 9509, 9510 and 9511.

Respectfully,

Commissioner.

Cr. En. 697

Muskogee, Indian Territory, March 13, 1907 .

Jim Davis,

Holdenville, Indian Territory.

Dear Sir:

You are hereby advised that under Departmental instructions of March 4, 1907, (I.T.D. 7864-1907) the names of Hoke Larney, Melissa Larney, Andy Jessie, Nicey Jessie and Harper Jessie have been stricken from the approved roll of citizens by blood of the Creek Nation opposite numbers 9507, 9508, 9509, 9510 and 9511.

Respectfully,

Commissioner.

Op.M. 697

Muskogee, Indian Territory, March 19, 1907.

Chief Clerk,

Creek Land Office,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under Departmental instructions of March 4, 1907, (I.T.D. 7864-1907) the names of Monte Larney, Melissa Larney, Andy Jense, Nancy Jense, Harper Jense, have been stricken from the approved roll of citizens by blood of the Creek Nation opposite numbers 9507, 9508, 9509, 9510, and 9511.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

FHE.

I.T.D. 10004-1907.  
D.O. 10042-1907.

April 8, 1907.

LRM.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department is in receipt of a letter from the Department of Justice, dated April 2, 1907, acknowledging receipt of departmental letter transmitting copies of four communications from you recommending that steps be taken looking to the cancellation of the deeds issued by the Principal Chief of the Creek Nation to Hoke Larney et al., Harvey Patrick et al., Tarskego Kurjo, and Chester Hawkins et al., stating that the papers have been referred to the United States Attorney for the western district of Indian Territory for appropriate action.

Respectfully,

(Signed) Jesse M. Wilson,

Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

220 537  
Hastings, Oklahoma, April 14, 1909.

~~Subject~~  
In re cancella-  
tion of deeds in  
Creek Nation.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to acknowledge receipt of your letter of March 5, 1909, enclosing communication addressed to the Attorney General (File 5-61) in reference to the cancellation of deeds which had been issued to citizens of the Creek Nation whose names had been stricken from the approved roll.

From the examination of the records in this office, it shows the following citizens whose names were stricken from the approved roll prior to March 4, 1907, and whose deeds were recorded prior to the striking their names and not included in your list to the Attorney General.

INDIANS BY BLOOD.

Names	Roll Nos.
Eli Tiger	325
Oregon M. Martin	2517
George Washington	2524
Chase Kunkin	3157
Pelle Kunkin	3158
Wiley Harfoley	3794
Sam Ford	3417
Kawachin	3500
Burney Wilcox	3503



Secretary of Interior -43

**INDIAN DEBTS.**

**Name**

**Roll No.**

Edith Leroy  
Editha Leroy  
Amy Steele  
Mary Steele  
Mary Steele

244  
245  
246  
247  
248

**NAME.**

**Name**

**Roll No.**

Pauline Jacobs  
James Hamilton  
Herman Patrick  
Gara Patrick

249  
250  
251  
252

At the time the citizens were stricken, recommendation was made by my predecessor for the cancellation of debts issued to the above Greek citizens who were stricken, and as these names are not included in the list to the Attorney General of January 29, I respectfully request to be advised whether suits have been instituted for the cancellation of the debts.

Respectfully,

(signed) S. G. Wright,

Commissioner.

SGW(Mrs)

Through the Commissioner  
of Indian Affairs.

DEPARTMENT OF THE INTERIOR  
WASHINGTON, DC

THE  
ONE

1  
100-1000  
111

THE  
SUN  
Consolidation of  
certain Creek  
allotment deeds.

August 27, 1909.

The Commissioner

to the Five Civilized Tribes,  
Muskogee, Oklahoma.

Sir:

Referring to your letter of April 16, 1909, in which inquiry is made whether suits have been brought to set aside deeds issued for allotments to Eli Wiger and certain others whose names were stricken from the roll of citizens of the Creek Nation, you are advised that suits to set aside deeds covering allotments to Herman Patrick and Sara Patrick were pending January 11, 1909, in the United States Circuit Court for the Eastern District of Oklahoma.

As these persons were parties in the case of Harvey Patrick, et al, then pending in the Supreme Court of the District of Columbia, which involves the question whether the Secretary of the Interior had authority to strike their names from the approved roll, the Department on January 29, 1909, recommended to the Attorney General that no action be taken looking to the prosecution of the suit to cancel the deeds pending final decision by the courts as to the right of the

L-39094-2.

above named persons to enrollment.

The Department in 1906 and 1907 requested the Attorney General to cause such action as might be deemed appropriate, to be taken to set aside the deeds issued for allotments to Eli Tiger, Chepe Komahta, Felle Komahta, Wiley Marfelsty, Sam Ford, Barney Thlocco, Mokte Larney, Molisee Larney, Andy Jessie, Kioey Jessie, Harper Jessie, Pegylie Jacobs, and James Hawkins.

The Department of Justice referred the papers to the then United States Attorney for the Western District of the Indian Territory, with instructions to take the necessary steps looking to the cancellation of the deeds. The Department is not advised of the present status of the case. The matter will, therefore, be taken up with the Attorney General and upon receipt of information you will be advised further. It is suggested that you call upon the United States Attorney for the Eastern District of Oklahoma for information as to whether any suits to cancel deeds in the above cases are pending in the United States Circuit Court for the Eastern District of Oklahoma.

Very respectfully,

(signed) Frank Pierce

Acting Secretary.

AG-14  
3974

Roll No.	Name	Deed Nos.	Recorded in Office	Filing
C 9507	Larney, Nekte	27335-27336	May 4, 1904	Arbitrary
C 9508	Larney, Melissa	27336-27337	May 4, 1904	"
C 9509	Jessie, Andy	27338-27339	May 4, 1904	"
C 9510	Jessie, Niecey	27340-27341	May 4, 1904	"
C 9511	Jessie, Harper	27752-27753	May 4, 1904	"

2, 116 4/10/04

Residence \_\_\_\_\_

Post Office Indianola or Thomas 85Chuk

NATION.

Chuk

ROLL.

Card No. \_\_\_\_\_

Field No. 2747

Dower's Roll No.	NAME	Relationship to Person First Named	AGE	SEX	BLOOD	TRIBAL ENROLLMENT			TRIBAL ENROLLMENT OF PARENTS					
						Year	County	Page	Name of Father	Year	County	Name of Mother	Year	County
1	Margaret		40	F	Ind	1895	Indianola	757	Arthur Hapin	1895	Indianola	Unknown		Indianola
2	Emay	Son	21	M				258	Hobitela			No 1		
3														
4														
5														
6														
7	Duncan Harjo says that Margaret has been dead about 4 years.													
8	This card has been replaced in its													
9	Card file by a card bearing a similar													
10	Serial Number and connected in conformity													
11	to its information person													
12														
13														
14														
15														
16														
17														
18														

May 28, 1901

Post Office Indianapolis Ind. Tex

NATION.

## ROLL.

Card No..

Field No. 2947

Dawes' Roll No	NAME	Relation-ship to Person First Named	AGE.	SEX.	BLOOD.	TRIBAL ENROLLMENT.			TRIBAL ENROLLMENT OF PARENTS.								
						Year.	County.		Name of Father.	Year.	County.	Name of Mother.	Year.	County.			
8160	1 "Emay"		21	M	Full	1890	Zustabatah	758									
	2																
	3																
	4																
	5																
	6																
	7																
	8																
	9																
	10																
	11																
	12																
	13																
	14																
	15																
	16																
	17																
	18																

May 23, 1901

Residence \_\_\_\_\_

Post Office \_\_\_\_\_

*Arbuckle Ind. Ter.*

NATION. \_\_\_\_\_

ROLL. \_\_\_\_\_

Card No. \_\_\_\_\_

Field No. *2679*

Dawes' Roll No.	NAME	Relationship to Person First Named	AGE.	SEX.	BLOOD.	TRIBAL ENROLLMENT			TRIBAL ENROLLMENT OF PARENTS.								
						Year.	County.	Page.	Name of Father.	Year.	County.	Name of Mother.	Year.	County.			
<i>7787</i>	<i>1 Larney, Martha</i>		<i>50</i>	<i>F</i>	<i>Full</i>	<i>1890</i>	<i>Indakabatah</i>	<i>202</i>									
	<i>2</i>																
	<i>3</i>																
	<i>4</i>																
	<i>5</i>																
	<i>6</i>																
	<i>7</i>																
	<i>8</i>																
	<i>9</i>																
	<i>10</i>																
	<i>11</i>																
	<i>12</i>																
	<i>13</i>																
	<i>14</i>																
	<i>15</i>																
	<i>16</i>																
	<i>17</i>																
	<i>18</i>																

*No 1 on 1890 Creek roll as Martha Larney*

*No 1 on 1895 Indakabatah Reg roll No 485 as Martha Larney*

*Letters of Administration were issued for No 1 as "Martha" to W. S. Davis on May 16, 1901*

*No 1 died after April 1, 1899. Proof of death attached*

*May 22, 1901*



Residence \_\_\_\_\_

Post Office McKernan Ind TerChes

NATION.

Ches

ROLL.

Card No. \_\_\_\_\_

Field No. 2949

Dawes' Roll No.	NAME	Relationship to Person First Named	AGE	SEX	BLOOD	TRIBAL ENROLLMENT			TRIBAL ENROLLMENT OF PARENTS					
						Year.	County.		Name of Father.	Year.	County.	Name of Mother.	Year.	County.
1	Lorney, Nakte		40	2	Full	1890	Isakabatche	767	Arthur Homattla	1890	Kealique	Margay Lorney	1890	Isakabatche
2	Lorney	Half sister	16	.	.	.	.	768	Michael	1890	Isakabatche	.	.	.
3														
4														
5														
6														
7														
8														
9														
10														
11														
12														
13														
14														
15														
16														
17														
18														

There is a duplicate enrollment in the winter of 1897 & 1898 according to the best information that could be obtained from several families.

\* 1 duplicate on card 2920

\* 2 duplicate on . 2947

May 23, 1901

Residence \_\_\_\_\_

Card No. \_\_\_\_\_

Post Office \_\_\_\_\_

NATION. \_\_\_\_\_

ROLL. \_\_\_\_\_

Field No. 3273

Dawes' Roll No.	NAME	Relationship to Person First Named	AGE	SEX	BLOOD	TRIBAL ENROLLMENT			TRIBAL ENROLLMENT OF PARENTS					
						Year.	County.	No.	Name of Father.	Year.	County.	Name of Mother.	Year.	County.
1	Laney, Melina		22	F	Full	1890	Flathead	445	See known	1890	Flathead	Mary Laney	1890	Flathead
2	" Hattie	Sister	40	F	"	"	"	446	Arthur Hovstad	"	"	"	"	"
3	Jessie Andy	Daughter	15	F	"	"	"	447	" Majors	See	Flathead	"	"	"
4	" Miley	Daughter	13	F	"	"	"	448	"	"	"	"	"	"
5	" Harper	Daughter	11	F	"	"	"	449	"	"	"	"	"	"
6	Sarwa, Ke	Sister	18	F	"	"	"	450	"	"	"	"	"	"
7														
8														
9														
10														
11														
12														
13														
14														
15														
16														
17														
18														

*All on 1890 Roll Page 235 as "Meyers"*

*All except No 6 transferred to Card No 6 on Sarwa's Page 231 1890 Roll*

*See Cards 2949 & 2679*

*No 2 probably a duplicate of No 2 on Card No 2949*

*All said O'Leary died in April or May 1899 at Sanborn Hospital, Preston Park, Chik Nation*

*May 28, 1901*

*#6 Stricken*

Post Office Arbuka 81

*Cuba*

NATION.

Cost

## ROLL.

Card No.,

Field No. 4220[illegible]

CR EN 698

CR EN 698

11-A

Q What is your name and age?

*Lochar Yahola. or Marsey Tiger.*

Q What is your name on the Creek roll?

" " - 55 yrs " "

Q What town do you belong to?

*Fish Pond Died-July 3, 1899.*

Q What is your wife's name and age?

Q What is her name on the Creek roll?

Q What town does she belong to?

*Fish Pond.*

Q How many children have you?

*5*

Names and ages of children:

*Lizzie Tiger. 19 1/2 - Dead*

*Tamer Tiger 21 - 1899 - Dead*

<i>Liza</i>	<i>12 ym</i>	} <i>mothers name</i> <i>Louisa - Dead 5 yrs.</i>
<i>Neloge Yahola</i>	<i>10 "</i>	
<i>Siling</i>	<i>8 "</i>	

*By Tamer Tiger.*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Paden, I. T., March 14, 1908.

In the matter of the enrollment of Marsey Tiger as a citizen by blood of the Creek Nation.

THOMAS WESLEY, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Thomas Wesley.  
Q How old are you? A About twenty-six.  
Q What is your post office address? A Boley.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q To what town do you belong? A Greenleaf.  
Q Did you know Marsey Tiger? A Yes, sir.  
Q Was he a member of your town? A He belonged to Fishpond.  
Q Do you know the date of his death? A July 3, 1898.  
Q Have you a record of his death? A I have a record which my father made.  
Q When did your father make that record? A Just a few days after he died. My father did not write the record himself, but I made it for him.  
Q What is your father's name? A John Wesley.  
Q Is he living? A He is dead.  
Q In what did you make that record? A In a memorandum book.  
Q For what reason did your father have you make the record of the death of Marsey Tiger? A Marsey Tiger belonged to the same church to which my father belonged and it was my father's custom to keep a record of the deaths of the members of his church.  
Q Was your father a minister of the Gospel? A He was a Deacon in Greenleaf Church.  
Q You say you have that record at home? A Yes, sir.  
Q How old was Marsey Tiger at the time of his death? A He was over forty years old.  
Q Did he have a family? A Yes, sir, he had a wife and five children. His wife is now dead.  
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.  
Q Did Marsey Tiger die before or after the opening of the Creek Land Office? A He died before the land office opened.  
Q You are positive are you? A Yes, sir.

TULSA HARJO, being duly sworn, testified as follows:

THROUGH ALEX POSEY OFFICIAL INTERPRETER:

BY COMMISSION:

- Q What is your name? A Tulsa Harjo.  
Q How old are you? A About forty-six. I was seven years old when the Elk Creek battle was fought near Checotah.  
Q What is your post office address? A Okemah.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q To what town do you belong? A Fishpond.  
Q Do you hold any official position in the Creek Nation? A No, sir. I was Council member once, for a short time however.  
Q Did you know a member of your town named Marsey Tiger? A Yes, sir, I was acquainted with him for many years, practically reared up together.

Ex. 696.-----2.

Q Do you know when he died? A He died either on the third or fourth of July, 1908. He came to my house sick and I made some medicine for him which he took and started home and died on the way in the woods. The corpse was found the next morning by my children.  
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.  
Q Did Marsey Tiger die before or after the opening of the Creek Land Office? A He died before.  
Q You are positive of that are you, A Yes, sir.

---000000000---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 15th day of May, 1908.

*D. C. Skaggs*  
*John E. Parrish*  
Notary Public.



Refer in reply to the following:  
Land: 89021-1904.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 7, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes dated August 25, 1904, transmitting a communication from M. L. Mott, attorney for the Creek Nation, dated August 9, 1904, requesting that the matter with reference to the enrollment of Marsey Tiger, roll No. 9206, be re-opened, in order that the Creek Nation may be given opportunity to show that said Marsey Tiger died prior to April 1, 1898.

Mr. Mott transmits the affidavit of William Knight, and Barney Yahola who state that they personally know that Marsey Tiger died before April 1, 1898. The Commission recommends that the case be re-opened and a re-hearing ordered. Their recommendation is concurred in.

Very respectfully,

W. A. Jones,

GAW-D.

Commissioner.

JWH. ELB. JP.

I.T.D. 7230-1904.

DEPARTMENT OF THE INTERIOR

WASHINGTON, September 15, 1904.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

August 25, 1904, you transmitted a petition filed by the attorney for the Creek Nation praying for a rehearing in the matter of the enrollment of Marsey Tiger, a citizen by blood of the Creek Nation. You recommend that a rehearing be ordered.

Reporting in the matter September 7, 1904, the Commissioner of Indian Affairs recommended that the action suggested by you be taken.

The Department concurs in his recommendation. Copy of his letter is inclosed. You will be governed accordingly.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

INDEXED

COMM.	
No.	Page
43 63	19 1905
1905	

Posay, Alex,  
Eufaula, I.T.,  
Creek Nation,  
Sep. 19, 1905.

Returns papers in certain  
Creek enrollment cases.

CREEK NATION

Muskogee, Indian Territory, September 19, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

In accordance with our request of September 7, 1905,  
I return herewith the papers in connection with the following Creek  
enrollment cases:

No.	Name.
936	Sarnoshka, deceased.
937	Aaron McGirt, deceased.
938	Waspee, deceased.
939	Polly Jarney, deceased.
940	George Washington, deceased.
935	Barney Talocco, deceased.
933	Katie and Millie Davis, both deceased.
932 and 930	Marsey Tiger, deceased.
930	Harlie and Sam Davis, both deceased.
929	James Narcome, deceased.

I have no papers in my possession in connection with enroll-  
ment case number 934.

Respectfully,

*Alby Posey*  
Clerk in Charge Creek Field Party.

COMMUNICATIONS  
TAMM HUNT,  
TUGGLES & HUNTER,  
C. S. HUNTER,  
—  
WM. C. HALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPIES TO BE MADE
I. 4000.

ATTENTION ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 29, 1904.

Tamer Tiger,

Arbeks, Indian Territory.

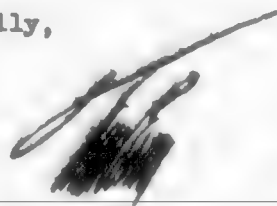
Dear Sir:

The name of Marsey Tiger, deceased, is contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior, November 14, 1902, No. 9209. September 15, 1904, the Secretary of the Interior re-opened the matter of the enrollment of said Marsey Tiger and authorized the Commission to have a rehearing of the case.

You are hereby notified that on October 27, 1904, the Commission will, at its office in Muskogee, Indian Territory, hear such evidence as may be submitted by her heirs, relative to the right to enrollment as a citizen of the Creek Nation of said Marsey Tiger. The Creek Nation will, at the same time and place, be permitted to introduce evidence in the case.

The Commission particularly desires evidence showing the date of death of said Marsey Tiger.

Respectfully,



Chairman.

Register.

Muskogee, Indian Territory, October 11, 1906.

H. G. Hains,

Chief Clerk Creek Enrollment Division,  
General Office.

Dear Sir:

On August 25, 1904, this office was notified to suspend action in the matter of making an allotment of land in the Creek Nation to the heirs of Marsey Tiger, Creek Indian Roll No. 9209. Upon receipt of this notification the Recording Division was asked to withhold deeds from delivery and has this day verbally informed me that deeds are in the possession of said office pending the determination of the rights to citizenship of the said Marsey Tiger, deceased.

Respectfully ,

Commissioner.

COPIES OF THIS LETTER TO THE FOLLOWING:

1

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

X44

1

Muskogee, Indian Territory, December 19, 1905.

Chief Clerk,  
Creek Land Office.

Dear Sir:

You are hereby advised that under date of December 9, 1905, the Secretary of the Interior concurred in the recommendation of the Commissioner to the Five Civilized Tribes of November 13, 1905, that the name of Marsey Tiger, deceased, be stricken from the approved roll of citizens by blood of the Creek Nation, opposite No. 9209.

You will accordingly make said change on the copy of the roll in your possession.

Respectfully,

Commissioner.

11 711



Muskogee, Indian Territory, December 19, 1905.

M. L. Mott,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of December 9, 1905, the Secretary of the Interior concurred in the recommendation of the Commissioner to the Five Civilized Tribes of November 13, 1905, that the name of Marsey Tiger, deceased, be stricken from the approved roll of citizens by blood of the Creek nation, opposite No. 9209.

Respectfully,

Commissioner.

~~10.098~~

Muskogee, Indian Territory, December 19, 1905.

Commissioner.

Tamer Tiger,

Arbeka, Indian Territory.

Dear Sir:

You are hereby advised that under date of December 9, 1905, the Secretary of the Interior concurred in the recommendation of the Commissioner to the Five Civilized Tribes of November 13, 1905, that the name of Marsey Tiger, deceased, be stricken from the approved roll of citizens by blood of the Creek Nation, opposite No. 9209.

Respectfully,

Commissioner.

M-251

Muskegee, Indian Territory, January 4, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Under date of December 9, 1905, the Department concurred in the recommendation of this office of November 13, 1905, that the name of Marsey Tiger, deceased, be stricken from the approved roll of citizens by blood of the Creek Nation, opposite No. 9209.

Deeds Nos. 10036 and 10036A prepared to cover an allotment selection in the Creek Nation to the heirs of the said Marsey Tiger, deceased, and which were executed by the Principal Chief of the Creek Nation on July 25, 1904, are enclosed herewith and I respectfully request that this office be granted authority to cancel the same and all of the records pertaining thereto.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Commissioner.

Enc. NKW 5.

M-281

Muskogee, Indian Territory, February 7, 1906.

Honorable P. Porter,  
Principal Chief Creek Nation,  
Muskogee, Indian Territory.

Dear Sir:

The Department under date of January 26, 1906 (ITD 1182-1906) authorized the cancellation of Creek deeds Nos. 10036 and 10036A prepared to cover an allotment of 160 acres to the heirs of Marsey Tiger, whose name appeared on Creek Indian Roll, opposite No. 9209, the same having been stricken therefrom in accordance with Departmental authority contained in letter of December 9, 1905.

It is, therefore, requested, that you cancel your signature to the enclosed deeds, after which kindly return them to this office in order that they may be transmitted to the Department for proper disposition.

Respectfully,

Enc. NEW 25.

Acting Commissioner.

Muskogee, Indian Territory, March 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

On January 26, 1906 (ITD 1182-1906) the Department granted authority for the cancellation of deeds Nos. 10036 and 10036 A, prepared to cover an allotment in the Creek Nation to the heirs of Karsey Tiger, deceased, whose name appears upon Creek Indian Roll, opposite No. 8209, for the reason that her name had been stricken from the roll in accordance with Departmental authority granted on December 12, 1905 (ITD 16572-1905). In accordance with this authority the Principal Chief of the Creek Nation cancelled his signature to said deeds, which are enclosed herewith for Departmental disposition.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Acting Commissioner.

Enc. NEW 6.

DEPARTMENT OF THE INTERIOR,  
**COMMISSION TO THE FIVE CIVILIZED TRIBES,**  
 MUSKOGEE LAND OFFICE.

Allotments of land and homestead designations, as hereinafter described, are hereby made to the following named persons, in accordance with the Resolution of the Commission adopted May 24th, 1902, viz:

ROLL NO.	CERTIFICATE NO.	NAME	SUBDIVISION OF	SEC	TOWN	RANGE	ACRES	100ths.	HOMESTEAD	SEC	TOWN	RANGE	ACRES	100ths.
9009		Harris of	E <sup>2</sup> of S <sup>1</sup> 1/2	11										
628		Marney Tiger	SE <sup>1</sup> of S <sup>1</sup> 1/2	14		119								
			N <sup>2</sup> of S <sup>1</sup> 1/2	23										
			NE <sup>1</sup> of S <sup>1</sup> 1/2	12		128								

*160 1*

*in accordance with order from m 281*

Dated at Muskogee, Indian Territory,

this *23<sup>rd</sup>* day of *August*, 1902.

*204*

*[Signature]*  
 Acting Chairman.

CR EN 699

CR EN 699



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, JUNE 25th, 1901.

In the matter of the application of Neesy Levett for the enrollment of herself and her minor child, Henry Mill as citizens of the Creek Nation. Neesy Levett being duly sworn, testified as follows:

Examination by the Commission.

- Q As a citizen of what Nation are you now an applicant for enrollment? A To the Creek.
- Q What is your name? A Neesy Levett.
- Q What is your age? A I guess I am about 51, may be older, I don't know.
- Q What is your post office address? A Muskogee.
- Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes sir.
- Q Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A I've been enrolled by my aunt, I didn't.
- Q Does your name appear upon the tribal rolls of the Creek Nation as a citizen of the Creek Nation? A On the Dunn roll?
- Q No, on the tribal rolls. A I don't know what you mean, I don't know anything about it, my aunt knows about it, but you ought to find my name on the roll.
- Q Where do you live? A I live out here about two miles and a half, may be more.
- Q How long have you lived there? A I just moved there this fall, but I've been here longer than that.
- Q Where did you live before that? A I lived at Dave McNac's.
- Q How long did you live there? A Two years.
- Q Where did you live prior to that time? A I lived at my brother's.
- Q Where? A On Pecan Creek.
- Q How long did you live there? A Two years.
- Q Where did you live prior to that time? A I lived with Jessie Johnson, out on the prairie.
- Q In the Creek Nation? A Yes sir, right out here on the prairie on the Okmulgee road.
- Q How long did you live there? A Lived there a year.
- Q Where did you live prior to that time? A I guess that's about all of the places since I have been here.
- Q What I want to know is, where did you live before that?
- A I came from Missouri.
- Q How long did you live in Missouri? A I couldn't tell you.
- Q About how long? A I don't know.
- Q Where were you born? A Down on North Fork.
- Q In the Creek Nation? A Yes sir.
- Q Where did you live before you went to Missouri? A Lived on North Fork.
- Q Do you know how old you were when you went to Missouri?
- A Not just exactly.
- Q About how old? A About 14 years old, I couldn't tell, I don't know my age I am uneducated.
- Q What is the name of your father? A Robert Johnson.
- Q Is he living? A No sir, he is dead.
- Q Is his name on any of the rolls of the Creek Nation?
- A I don't know, it may be.
- Q Was he a citizen of the Creek Nation? A Yes sir.
- Q What town did he belong to? A North Fork.
- Q What is the name of your mother? A Maria.
- Q Maria what? A She belonged to Nannie Miller.

#2. Hecy Lovett.

- Q Is she living? A No sir.  
Q Was she a citizen of the Creek Nation? A Yes sir.  
Q What town did she belong to? A North Fork.  
Q Does her name appear on the tribal rolls of the Creek Nation?  
A Not that I know of.  
Q Have you been outside the Territory within the past four years?  
A No sir.  
Q Does your name appear on the 1890 authenticated roll of the Creek Nation? A I don't know anything about it.  
Q What town do you belong to? A Arkansas.

1890 Authenticated roll of the Creek Nation, Arkansas  
Town examined and the name of Hecy Lovett not  
found thereon.

- Q Does your name appear on the 1895 Authenticated roll of the Creek Nation? A I don't know.

1895 Authenticated roll of the Creek Nation examined  
and the name of Hecy Lovett not found thereon.

- Q Do you claim to be a Creek Freedman or a Creek Indian by blood? A Creek Freedman.  
Q Does your name appear on the roll of Creek Freedmen made by Major Dunn prior to March 14th, 1867? A Yes, it is on the Dunn Roll.  
Q What is your name on the Dunn Roll? A Hecy Lovett.

The roll of Creek Freedman made by J. W. Dunn prior to March 14, 1867, examined and the name of Hecy Lovett found thereon at number 732, Arkansas District. The records of the Commission show that Hecy Lovett age 70, North Fork Town, is enrolled on Creek freedmen Card, Field number 314, and that the father of said Hecy Lovett is Joseph Lovett and the mother Sarah.

The records also show that said Hecy Lovett is enrolled on Freedmen Card field number 314 is a male, and the applicant is a female.

- Q Are you make application for any one else besides yourself?  
A For all my children.  
Q Have you any children under twenty years of age and unmarried for whom you now desire to make application? A Yes, one.  
Q What is its name? A Henry Hill.  
Q How old is Henry? A Will be eighteen the 16 of August.  
Q Is he living? A Yes sir.  
Q Does he live with you? A Yes sir, he lives right out there in the country where I live.  
Q Who is the father of Henry Hill? A Henry Hill.  
Q Is Henry Hill, the father of your minor child a citizen of the Creek Nation? A No sir, he was not a citizen.  
Q What was his citizenship? A United States man.  
Q Does the name of Henry Hill appear on the tribal roll of the Creek Nation? A I don't know.  
Q Did you ever draw any money for him? A No sir.  
Q Did you ever draw any money for yourself? A I haven't drawn any myself but my aunt did, I don't know how much but my aunt acted as guardian for me and drew it.  
Q Did you get the money she drew for you? A I got about two or three dollars.

#3. Hecy Lovett.

Q How old were you when you got that two or three dollars?  
A Old as I am now and I am about 51 years old, and that's all she gave me, but she said she would let me have some more.  
Q Is your aunt living? A She was from last account.  
Q Where does she live? A On the side of the Seminole Nation line.  
Q What is her name? A Nancy Lovett.  
Q Where did she get that money she gave you? A I don't know, I never asked her where she got it.  
Q Where were you living during the war? A On North Fork, I reckon, I don't know just exactly where I was, I was young. I don't know whether I was here on North Fork or at Bird Creek, I don't know exactly, I was young.  
Q You remember all about the war don't you? A I know some little about it, I was captured during the war.  
Q Where did they take you to? A To Missouri I guess, that's where I came from, that's where I found myself.  
Q Did you stay in Missouri from the time you were captured during the war up until you returned to the Creek Nation?  
A Yes sir.  
Q Where was Henry Hill, your minor child born? A Born in Missouri.  
Q When did he come to the Territory? A I brought him with me when I came.  
Q Has he lived here with you ever since he came to the Territory? A Yes sir.  
Q You never drew any money for Henry Hill? A No sir.  
Q You never drew any for yourself? A No sir.  
Q Is there any other statements that you desire to make with reference to your application at this time? A I don't know as I do, as I don't know what is what myself.  
(By Mr. Lowery, Attorney for applicant).  
Q How old did you say you were? A About 51.  
Q What family were you enrolled with on the Dunn Roll? And in what town? A Hecy Lovett in the Arkansas Town.  
Q Any other relatives? A There's lots of them on the roll, my aunt and my cousins.  
Q How old were the others that you were enrolled with?  
A I don't know.  
Q Do you know Gato Lovett? A Yes sir.  
Q What relation is he to you? A He is my first cousin.  
Q What relation is Lydia to you? A She's my cousin.  
Q Joseph Lovett? A That was my uncle by marriage.  
Q Do you know Scipio Lovett? A I don't know.  
Q You ever was enrolled in any other town except in the Arkansas Town? A That's all, the only town that I know of.  
Q Do you at this time, or did you at that time know of any other Hecy Lovett in the Creek Nation, Indian Territory?  
A Yes sir, I don't know. I don't know only just what my aunt calls me, my right name is Nancy but she calls me Hecy and had my name put down Hecy.  
Q Is that a nickname? A Yes, a nickname.  
Q She paid that money you say you got--- you got that money--- you got it since you came from Missouri? A Yes sir.  
Q Did you have a conversation with your aunt when you got that money? A Yes sir.  
Q Just state that conversation relative to the money?  
A She told me she had been drawing it and she told me that she would had more to give me but cousin Ketter borrowed it to get him a suit of clothes.  
Q In that conversation did your aunt say where that payment came from whether it was the Dunn payment or some other payment?  
A She didn't tell me at all where it came from.

#4. Nancy Lovett.

By the Commission.

Applicant offers in evidence 1890 Authenticated roll of the Creek Nation, page 186 for the purpose of showing that the name of Nancy Lovett is spelled Hecsey Lovet and is not enrolled with any other family but enrolled alone.

By Mr. Lowery, attorney for applicant.

Applicant further desires to show from the records that the applicant Hecsey Lovett, number 732 spelled Hecsey Lovett as appears from the original Duan roll of the Arkansas Town is enrolled with the following family:

Scipio Lovett, Polly Lovett, Alex Lovett, Finia Lovett, Joseph Lovett, Nancy Lovett, Hecsey Lovett, Kate Lovett and Lydia Lovett.

Q You heard the names that I have called off of this roll, are they are any relatives of yours? A Yes sir, they are all my relatives.

Q Do you know Hecsey Lovett in the North Fork Town? A No sir.

Q Have you got any relatives by the name of Hecsey Lovett in the North Fork Town? A I guess so, I don't know.

Q Nancy is your aunt? A Yes sir, my own aunt, my papa's own sister.

By Mr. Reed, attorney for Creek Nation.

Q What is your name? A My right name is Nancy Wallace.

that is what I go by.

Q Did you state that you was here when the Duan Roll was made up? A I don't know, I was small and didn't know anything about it, I was young.

Q You don't know if your name is on the Duan Roll? A Yes, sir it is in the Duan Roll.

Q Did you appear before Major Duan on March 14th, 1867, and had your name registered? A My aunt had it put down.

Q And was you there? A No sir, I don't know where I was at that time.

Q Well during ---- before the war beark out where was you?

A On North Fork.

Q And who did you belong to? A I first belonged to Nancy Miller and then to Winnie Berryhill last.

Q And who to the next? A Didn't belong to anybody.

Q When was that? A I was young and ignorance and can't tell you anything about it.

Q Who captured? A Soldiers I suppose, I don't know.

Q What they done with you after they captured you? A Carried me north.

Q What they done with you after they carried you north?

Q Just dropped me down like a dog I suppose and an old colored was good enough to take me.

Were you the mother of one child when they captured you?

A Yes sir, it was a little bit of a baby in my arms.

Q Was the war going on then? A Must have been. I guess it was because we was running, my mistress was running with me when I was taken away from her.

Q Which way was your mistress running going south? A Going north.

Q After you were dropped in Missouri, how long you remain before coming to this country? A I could't tell, I have no idea.

Q Well, you were captured and carried to Missouri, well were you away from the Creek Nation until six years ago?

A Yes, I was away until six years ago.

Ms. Nancy Levett.

Q Had you been recognized by the Colbert Commission as a citizen of the Creek Nation; did you make application before the Colbert Commission? A I don't know. I did before the Commissioners.

Q Had they recognized you as a citizen? A Yes sir, by the Commission.

The records of the Colbert Citizenship Commission examined and the name of Nancy Foster not found to have made application to said citizenship Commission.

By Mr. Reed, attorney for the Creek Nation.

Q Had you made application before the Dawes Commission for citizenship? A Yes sir.

Q What they done with that, accept it? A Yes sir, I have been before the Commissioners, and they put me off.

Q By the Commission.

Q Were you admitted by the Commission to the Five Civilized Tribes as a citizen of the Creek Nation under the act of Congress approved June 10th, 1896? A I don't know anything about it.

The list of citizens admitted by the Commission to the Five Civilized Tribes, examined and the name of the applicant not found thereon.

Q Were you admitted by the United States Court for the Indian Territory upon appeal from the decision of the tribal authorities of the Creek Nation or from the decision of the Commission to the Five Civilized Tribes as a citizen of the Creek Nation under the act of June 10th, 1896? A Not that I know of.

The Court records of the United States Court for the Northern District for the Indian Territory examined and the name of the applicant not found to have been admitted by the judgment of said court.

By Mr. Lowery.

Q Now Mrs. Wallace you give me the facts that all these applications that you have made before the Dawes Commission or any other Commission had just simply been ordinary conversation that you had with people to carry your case through the Commission? A Yes sir.

\*\*\*\*\*

Tobias McIntosh being duly sworn, testified as follows:

Q By Mr. Lowery.

Q What is your name? A Tobias McIntosh.

Q How old are you, Mr. McIntosh? A I don't know, but I think I was born in '30.

Q Do you know Mrs. Wallace, nee Levett? A Yes sir.

Q How long have you known her? A I have known her from a young girl up, staying with her aunt, she was about 12 or 13 years old.

Q State to the best of your knowledge whether this is the identical Nancy Levett whose name appears on the Arkansas Town, number 732 which appears with Nancy Levett? A It appears so, her name was Nancy and her aunt's name was Nancy Levett, but they changed her name when they put them on the roll, Nancy and Nancy.



20. Nancy Lovett.

Q Mr. McIntosh, please state now through what source, if any, that you are acquainted with the Dunn Roll? A Yes sir, because I interpreted it.

Q At what time? A It was in '70, if I ain't mistaken, may be longer.

Q Was it at the time of the making up of the Dunn Roll? A Yes sir.

Q Then to refresh your memory was't it in '66 or '67?

A I might have been mistaken in the date but it was the time of the making of the Dunn Roll.

Q By Mr. Reed, attorney for Creek Nation.

Q Mr. McIntosh are you a citizen of the Creek Nation?

A I should smile I was.

Q You state that you were there at the time the Dunn Roll was made up? A Yes sir.

Q Did you see this lady there? A I never seen her.

Q When did you see this lady, Mr. McIntosh, the last?

A The last I seen this lady, I reckon it was about a month ago when I saw her. You mean the last time I seen her, I never seen her since the Dunn Roll was made up. I saw her before the Dunn Roll was made.

Q How long before the Dunn Roll was made that you seen her?

A I could't tell you.

Q Did you see her during the war? A No sir.

Q You saw her before the war? A Yes sir.

Q Did you see her during the war? A No sir.

Q Well, after the war when did you see her? A About three months ago.

Q Well, then you interpreted for Dunn making up that roll, you state? A Yes.

Q Well, you interpreted for her? A For this girl, I told you I never seen her.

Q We want to know your reason,---66666 We want to know ----- how do you know that this is the same identical person this Nancy that appears on the Dunn Roll? A She was enrolled with her aunt. I recognize this woman because she rolled right with her aunt, and by looking at her I knew. If any body knew Charley Foster would know her.

Q Now isn't it a fact that you assume that this is the same person that is on the Dunn Roll? A Yes sir, of course. If Nancy Lovett had enrolled any other girl as Nancy Lovett, that must be this woman.

By Mr. McKelley, Attorney for the Creek Nation.

The Counsel for the Nation desires to reserve the right to raise the question under the Creek Agreement as to the right of the applicant to be enrolled as a citizen of the Creek nation, and that in case, the question of law that will be included in this record is overruled by the Commission, the Counsel for the Nation asks the Commission to hold the case open in order that witnesses properly mentioned may be secured. The Nation has had no notice of this case and we held them in cases of this Nation, while it is necessary to take testimony the Nation should be properly notified and be given reasonable time to secure witnesses to offer evidence on the part of the Creek Nation, and with this understanding, the brief of the Counsel for the applicant, we agreed for the applicant to proceed with the examination.

By the Commission.

The Commission will proceed to hear the testimony in this case. The objection of Counsel for the Creek

77. Nancy Levett.

will be preserved in the records and Council for the Creek Nation will be permitted to introduce evidence at some future time date.

By Mr. Levery, attorney for applicant.

Q Mr. McIntosh, what is your mother language, Creek or English?

A Yes, Creek.

Q You don't understand English language as well as you do Creek? A No sir, unless it is explained exactly what it means.

Q Then the question that Judge Reed asked you about assuming this was the same Nancy Levett, you didn't understand it, did you? A No sir, I didn't understand it.

Q How come you to recognize Nancy Levett of being the same girl you had known was on the Dunn Roll, at the time you seen her after she come back? A I met her on the street and I said, "this was't Nancy, Robert Johnson daughter?" "She said" Yes" and that was the way I recognized her.

Q And that was the first time you seen her since she had gone away at the time spoken of during the war? A Yes, sir the first time.

By Mr. Reed.

Q I understood you to say that you never seen this woman in the breaking out of the war and you never seen her until a few months ago? A Yes sir, that is what I said.

Q Mr. McIntosh was this woman present when the people were registering on the Dunn Roll? A I don't remember seeing her.

Q You said since the Dunn Roll was made you never seen her until a few months ago, did you say? A About three months ago.

Q Well, I ask you again, as you didn't see her on the ground when they was registering, how do you know that this is the person, that this is the very identical person on the Dunn roll?

A Nancy Levett was on the ground when the Dunn Roll was made, she was there; Nancy Levett was there; and this girl she had named Niecey and I told you if she had a girl by the name of Niecey this must have the woman.

Q Didn't this <sup>girl</sup> have a father? A Yes, she had a father, Robert Johnson.

Q Was Nancy Levett her mother? A Her aunt, Robert Johnson sister.

Q Well, the time the Dunn Roll was made up the time when you were registering the women, was't Robert Johnson living then?

A Yes sir, but he was a Seminole.

Q So you believe that this is the same Niecey? A Yes sir, I do.

By Mr. McKelley, Attorney for Creek Nation.

Q Mr. McIntosh, did you see this applicant, Nancy Levett after the war closed? A I seen her before the war, and after the war I never seen her until I met her here.

Q You didn't see her then? A Yes sir.

Q How long before the war? A Well, I could'nt exactly say how long afore the war becuss we people never keep a record like you all do, but I seen her along some way in '53 or '54, some way along there.

Q And you didn't see her any more until about three months ago?

A Yes sir.

Q What was 40 or 45 years from the time you first saw her?

A Somewhere along there, I didn't keep any record.

Q And still you claim you recognized her when you saw her?

A Yes sir.

Q How old was Nancy when you saw her in '53 or '54? A I think she must have been something about 13 or 14 years old.



#2. Nancy Lovett.

Council for the Creek Nation object to the enrollment of the applicant, Nancy Lovett, as a citizen of the Creek Nation for the reason that the act of Congress ratifying the late Agreement between the Creek Nation and the United States declares that said Agreement "shall be of full force and effect when ratified by the Creek National Council."

Art. 20 " of said Agreement declares that "no person whatsoever shall be added to said rolls after the ratification of this Agreement."

Art. 24 41 " of said Agreement provides that "no act of Congress or treaty provision inconsistent with this Agreement shall be in force in said Nation except section fourteen" of the act of June 20th, 1898. From the above cited provisions of the said Creek Agreement Council for the Creek Nation held that the Creek rolls were closed on the 20th day of May, 1901 when the said Agreement was ratified by the Creek National Council; and that since said date no person can be enrolled except such persons as are specifically mentioned and excepted in said Art. 20. It is contended by Council for the Creek Nation that said applicant does not come under the exceptions mentioned in said Art. 20 " because she has never been recognized as a citizen of the Creek Nation and her name does not appear on the Creek rolls.

(This case continued until July 1st, 1901, to give applicant an opportunity to produce further witness.)

Lena Cummings having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled case on the 24th and 25th days of June, A.D., 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before  
me at Muskogee, Indian Territory,  
this 24th day of June, A.D., 1901.

C. R. Beckwith

Commissioner in Charge.

Creek Case 126.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Ind. Ter., October 29, 1902.

In the matter of the application of Nancy Lovett for the enrollment of herself and her minor child, Henry Hill, as citizens of the Creek Nation.

It appears from a further examination of the records of the Colbert Citizenship Commission that Nancy Lovett made application to said Colbert Citizenship Commission on the 11th day of August, 1896, under the name of Nancy Wallace, for the recognition and enrollment of herself and her three children, Willie Foster, Leander Huddleston and Henry Hill, as citizens by blood of the Creek Nation.

It also appears from an examination of said records of the Colbert Citizenship Commission, that on September 3, 1896, said Commission granted an opinion that the said Nancy Wallace and her three children, Willie Foster, Leander Huddleston and Henry Hill, were not entitled to recognition to citizenship by blood. The opinion rendered by said Colbert Citizenship Commission is recorded on page 860 of Book 1, of the records of said Colbert Citizenship Commission, and reads in full as follows, to-wit:

"Okmulgee I. T.  
Sept. 3 1896

"This case is an application to Citizenship in the Muskogee Nation and the applicant Nancy Wallace sets forth in her allegations that she is a citizen by blood. The evidence brought to bear in the case discloses the fact that she was held a slave by a citizen of the Muskogee Nation until the year 1861 when she was stolen and taken south by southern soldiers. Therefore we are of the opinion that applicant is not in a position to make application for citizenship by blood and it is therefore the decision of the Citizenship Commission that applicants Nancy Wallace, her children Willie Foster, Leander Huddleston and Henry Hill are not entitled to recognition to citizenship by blood.

M. McI.  
Clk.

James Colbert  
Pres. Cit. Com. of M. N."

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nacey Lovett for the enrollment of herself and her minor child, Henry Hill, as Creek freedmen.

DECISION.

The record in this case shows that on June 28, 1901, Nacey Lovett appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her minor child, Henry Hill, as Creek freedmen. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on October 29, 1902.

It does not appear from the evidence in this case that either of the applicants have ever been enrolled by the tribal authorities of the Creek Nation; neither does it appear that the name of either of them is found upon the roll of Creek freedmen made by J. W. Dunn, under authority of the United States, prior to March 14, 1867, or that they are the descendants of persons whose names are found upon said roll; nor does it appear that they, or either of them, have ever been admitted to citizenship in the Creek Nation by the legally constituted authorities of said nation; nor does it appear that they, or either of them, have ever been admitted to citizenship in said nation by the Commission to the Five Civilized Tribes, or by the United States court, in Indian Territory, in accordance with the provisions of the act of Congress, June 10, 1896 (29 Stat., 321).

Section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), provides:

"The roll of Creek freedmen made by J. W. Dunn, under authority of the United States, prior to March fourteenth, eighteen hundred and sixty-seven, is hereby confirmed, and said commission is directed to enroll all persons now living whose names are found on said rolls, and all descendants born since the date of said roll to persons whose names are found thereon, with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation."

It is therefore the opinion of this Commission that the application for the enrollment of Nacey Lovett and Henry Hill, as Creek freedmen, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*[Signature]*  
Noting Chairman  
*[Signature]*  
Commissioner.  
*[Signature]*  
C. R. Anderson  
Commissioner.

Dated at Muskogee, Indian Territory,  
this 11th day of January, 1903.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, 17. AUGUST 24, 1904.

In the matter of the application for the enrollment of Lense  
Huddleston as a Creek Freedman:

APPAHANAHONGI Grump & Bailey, attorneys for applicant:

Wesley Lovett being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Wesley Lovett.  
Q How old are you? A I don't know I guess 34 or more.  
Q What is your post office address? A Muskogee.  
Q Do you want to apply for a boy of yours as a Creek Freedman? A Yes,  
sir, Lense Huddleston.  
Q How old is that boy? A I guess about 24.  
Q Has he ever been married? A Yes sir.  
Q Has he any children? A No sir, not that I know of.  
Q Where does he live? A Lives here when he is out of jail.  
Q He is in jail, is he? A Yes sir.  
Q How long has he been in jail? A I can't tell you.  
Q Has it been a year? A I don't know sir, might be two months and  
might be over.  
Q Was he living with you when he was sent to jail? A No sir, he was  
living here in town and I lived in the country.  
Q How long has he been living here? A I don't know sir exactly, he has  
not been here very long.  
Q Did he have a house? A He was living with me and come to town and  
hired out.  
Q How long was he living with you here? A About two months.  
Q Had he been away sometime? A Yes sir, to Missouri.  
Q How long since he came here from Missouri? A I guess three or four  
months since he came back this last time.  
Q How long had he been away from here when he came back this last time?  
A Three months-- I don't know-- I guess.  
Q Where is your husband? A He is at home.  
Q What is the name of this boy's father? A William Huddleston.  
Q Where does he live? A In Missouri, if he is living.  
Q You say your present husband would know something about this case?  
A I don't know about how long he has been here, he has been here three  
times and went back to Missouri.  
Q How long have you been living with your present husband? A About 18  
years.  
Q Does this boy live with you? A Yes, off and on.  
Q Does he stay with his father sometime? A I don't know.

This case is continued for further testimony and this applicant is  
advised to have her husband appear before the Commission.

Henry O. Raine being duly sworn on his oath states that as stenographer

to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry R. Haines

Subscribed and sworn to before me this 28 day of September, 1904.

  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 24, 1904.

Ex. 126.

Supplemental testimony

In the matter of the application for the enrollment of Neeey Lovett, et al., as Creek Freedmen.

APPEARANCES: M. L. Mott, attorney for Creek Nation.  
Crump & Bailey, attorneys for applicants.

February 20, 1903, the Commission rendered its decision denying the application for the enrollment of Neeey Lovett and her minor child, Henry Hill, as Creek Freedmen. The decision of the Commission was affirmed by the Department March 23, 1903.

July 16, 1904, the Commission transmitted to the Department a motion of Crump & Bailey, attorneys for applicants, requesting that the case be reopened. August 8, 1904, the Department granted the motion and directed the Commission to take further testimony and re-adjudicate the case.

Nessey Island being duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Nessey ~~Island~~ Island.  
Q How old are you? A About 88 or 89.  
Q What is your post office address? A About 4 miles out here in the country and I get my mail here at Muskogee.  
Q How long have you lived in the Creek Nation? A Bred and born here.  
Q Lived here all your life? A Yes sir.  
Q Is your name on the Dunn roll? A Yes sir.

Witness is identified on the Dunn Roll No. 36.

- Q Do you know Neeey Lovett? A Yes sir.  
Q How long have you known her? A I can't tell you exactly how long; its a long time.  
Q Did you know her during the war? A Before the war.  
Q Did you ever know a man by the name of Neeey Lovett? A Didn't know a any only Nessey Canard after he came here; when he came here with his father he put his name of his father's old owner, Lovett.  
Q Do you know what name he went by when the Dunn roll was made?  
A Canard.  
Q And after that I understand you to say he changed his name to Lovett?  
A After he came to where his master lived he had that name put down as Lovett.  
Q Now is that man living or dead? A He is dead.  
Q How long has he been dead? A I can't tell you exactly; about a year or a little over.  
Q What was the name of his father? A Joe Lovett.  
Q What was the name of his mother? A Sarah.



Q Now, was he any kin to this woman here who says her name is Necey Lovett? A Her father and that man was first cousins.  
 Q Now, what was the name of the mother of this woman here, Necey Lovett? A Maria.  
 Q Do you know about how long her mother has been dead? A No sir.  
 Q Did she die before the war? A Yes sir.  
 Q Well, now, whom did Necey Lovett live with then? A Staying with her mistress here a while and then come to her sister.  
 Q What was that sister's name? A Nancy.  
 Q What was Nancy's husband's name? A Joe Lovett.  
 Q Well, now, Nancy's husband was the father of this Necey Canard?  
 A Yes sir.  
 Q And he also married the aunt of Necey Lovett, is that the way of it?  
 A Yes sir.  
 Q Now, who did you say was the mother of that man, Necey Lovett?  
 A Sarah.

The Dunn Roll examined and at No. 19 is found the name of Sarah Canard; immediately following her name at No. 20, is found the name of Necey Canard; opposite his name is found the following notation in pencil, which appears to have been made by an employe of this Commission: "Same as #732."

The Dunn Roll further examined and at #730 is found the name of Joseph Lovett; following his name in the same family is found the name of Nancy Lovett; following that in the same family, #738, is found the name of Necey Lovett with the following notation in pencil opposite her name: Duplicate of No. 20."

Examination by Mr. Crump:

Q Was you present at the time your name was placed on the Dunn roll?  
 A I was near on the ground when they was putting the people down.

By Mr. Bailey:

Q Were you present when Necey Lovett's, this woman's name was put on the Dunn Roll? I didn't see it put there but I was on the ground.  
 Q Do you know who had her enrolled? A Her aunt.  
 Q Who was her aunt? A Nancy Lovett.  
 Q Under what name did she have this woman enrolled? A Well, she put it Necey in one place and then in another Nancy.  
 Q She was called Necey Lovett at that time? Did the people generally call her that? A  
 Q Did she go by that name A Necey Lovett and Necey Johnson.  
 Q She went by Necey Lovett or Necey Johnson? A Yes sir.  
 Q What was her real name? A Yes sir, Necey.  
 Q Necey what? A I can't tell you by what Necey she was put down there.  
 Q What was her father's name? A Robert Johnson.  
 Q Why was she called Necey Lovett? A Told her sister to put her name on the roll.  
 Q Whom did she live with at that time? A Well, she was putting the names down and I used to pass by her house; and she was my niece; I used to see her.  
 Q See her where? A At my aunts; Nancy Lovett's.  
 Q Did she live with her aunt? A Yes sir.  
 Q That aunt's name was Nancy Lovett? A Yes sir.  
 Q And her aunt enrolled her on the Dunn Roll as Necey Lovett? A Yes sir.

By the Commission:

The name of Necey Lovett, a male, is contained in the partial list of Creek Freedmen approved March 18, 1902, No. 1173; he has been identified by the Commission as the same person.



By Mr. Bailey:

Q Nancy Lovett was Henry Lovett's aunt? A Yes sir.

\*\*\*\*\*

Henry G. Haine being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haine.

Subscribed and sworn to before me this 27 day of September, 1904.

  
Henry Publico.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., Sept. 22, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Alonzo Huddleston as a Creek Freedman.

APPEARANCES: Crump & Bailey Attorneys for applicant.

ALONZO HUDDLESTON, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Alonzo Huddleston.  
Q How old are you? A Twenty-eight.  
Q What is your post office address? A Muskogee.  
Q What is the name of your mother? A Nancy Wallace.  
Q Ever known by any other name? A Neecy Wallace.  
Q Ever known as Neecy Lovett? A Yes, sir.  
Q Used to be called Neecy Lovett did she? A Yes, sir.  
Q Your right to citizenship comes through your mother does it? A Yes, sir.  
Q Where do you live? A Muskogee, Indian Territory.  
Q How long have you lived in the Creek Nation? A I been here off and on.  
Q How long have you been here this time? A One year in March.  
Q Where did you come from? A Joplin, Missouri.  
Q Last March? A Yes, sir.  
Q How long were you in Missouri? A Four or five months.  
Q Where were you before you were in Missouri? A Here in the Indian Territory.  
Q How long were you here at that time? A I can't say. Been here a long time.  
Q Well, how long? A I guess I had been here four or five years.  
Q Where were you born? A Born in Missouri.  
Q Born in Missouri? A Yes, sir.  
Q How old were you when you left Missouri after your birth? A I couldn't tell you.  
Q Has your home been in the Creek Nation for the last five years? A Yes, sir. Longer than that.

By Mr. Bailey:

Q After you left Missouri and came to the nation have you ever had any other permanent residence except the Creek nation? A No, sir.  
Q Have you ever left with the intention of remaining away? A No, sir.  
Q Is this your home now? A Yes, sir.  
Q You intend to make this your home whether you get on the Roll or not? A Yes, sir.

By Commission:

Q What is the reason application was not made for your enrollment before it was made? A Waiting on my mother.  
Q Were you in jail during the month of August? A Yes, sir.  
Q Were you unable to appear here on account of being confined? A Yes, sir.

I, Brennan C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 22 day of September, 1904.  
Brennan C. Skaggs  
Notary Public.

28/3  
En. 126.  
En. 699.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Necey Lovett, Henry Hill and Alonso Huddleston as Creek freedmen.

- I D E C I S I O N :-

The record in this case shows that on June 26, 1901, Necey Lovett appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her minor child, Henry Hill, as Creek freedmen; that on February 20, 1903, the application was denied by the Commission and that said decision was affirmed by the Department March 23, 1903.

The record further shows that on August 3, 1904, on motion of the attorneys for the applicants, the Department reopened the case and directed the Commission to take further testimony and re-adjudicate the case.

The record further shows that further testimony was taken August 24, 1904, in the matter of said application and that on said August 24, application was made for the enrollment of Alonso Huddleston, son of Necey Lovett, as a Creek freedman. Further proceedings in the matter of the application for the enrollment of Alonso Huddleston were had September 23, 1904.

The evidence shows that said Necey Lovett is identified on the roll of Creek freedmen made by J. W. Dunn prior to March 14, 1867; that Henry Hill and Alonso Huddleston are the children of Necey Lovett, born since the preparation of said Dunn roll and that said Henry Hill was a minor, residing with his mother at the date of the application herein.

It further appears that said Necey Lovett had continuously resided in Indian Territory for four years at the date of her application for enrollment and that Alonso Huddleston, at the date of the application for his enrollment, had resided five years in the Creek Nation.

It is, therefore, the opinion of this Commission that Necey Lovett, Henry Hill and Alonso Huddleston should be enrolled as Creek freedmen in accordance with the Acts of Congress, June 28, 1898 (30 Stats., 496), and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Chairman.

  
Commissioner

Muskogee, Indian Territory.

  
C. R. Brantley  
Commissioner

Case No. 120.

Great Investment Division.

Notice to Applicant.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Henry Lovett,  
Applicant.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

September 28, 1903

H. C. 1200,  
Applicant.

Copy

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
APPLICATION FOR ENROLLMENT,  
CREEK NO. 126.

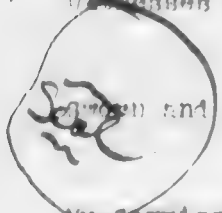
NEEZY LOVETT, APPLICANT.

Comes now the applicant, Neezy Lovett, by her attorney,  
C. J. Love, and moves this Honorable Commission for a re-opening  
of this cause for this:

That she, Neezy Lovett, is able to identify herself on the  
Dunn Roll.

Neezy Lovett, being first duly sworn says that the latter  
and things contained herein are true.

Witnesses to mark: Mr. J. C. Love Neezy Lovett  
P. R. Price John Smith



Sworn and subscribed to before me this 28th, Sept. 1903.

John J. Love John Smith  
My Commission Expires April 1st, 1907 Notary Public.

Service of the foregoing motion, by copy, is hereby acknowledged  
ed this 28th, day of Sept. 1903.

(Signed)

A. J. Love  
Attorney for Creek Nation.

Recd. by the Secretary.

Creek No. 126

copy

Cong

Creek No. 126.

Muskogee, Indian Territory, February 21, 1903.

Arthur P. Murphy,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Nancy Lovett for the enrollment of herself and her minor child, Henry Hill, as citizens of the Creek Nation. The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

OCH-24.

Copy

9.2.19  
Creek No. 126.

Muskogee, Indian Territory, February 21, 1903.

J. C. Lowry,

Attorney for Necey Lovett, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Necey Lovett for the enrollment of herself and her minor child, Henry Hill, as citizens of the Creek Nation. The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

OOH-30.



COMMISSIONERS  
HENRY L. DAWES,  
TAMM BERRY,  
THOMAS B. HODGSON,  
G. B. BROWNING.

ALLISON L. AVERETT,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPORT IN REPLY TO THE FOLLOWING

Creek No. 186.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

Muskogee, Indian Territory, February 21, 1905.

Missy Lovett,

Muskogee, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your minor child, Henry Hill, as citizens of the Creek Nation. The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Chairman.

CC-23.

Register.

Copy

(X 70-1)

Creek No. 126.

Muskogee, Indian Territory, April 8, 1908.

A. P. Murphy,

National Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of March 23, 1908, affirmed the decision of the Commission, dated February 20, 1908, denying the application of Henry Lovett for the enrollment of herself and her minor child, Henry Hill, as Creek freedmen.

Respectfully,

Commissioner in Charge.

Copy

396

Creek No. 126.

Muskogee, Indian Territory, April 3, 1903.

J. B. Henry,

Attorney for Neely Lovett, et al.,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 23, 1903, affirmed the decision of the Commission, dated February 20, 1903, denying the application of Neely Lovett for the enrollment of herself and her minor child, Henry Hill, as Creek Freedmen.

Respectfully,

Commissioner in Charge.

Copy

Creek No. 126.

Muskogee, Indian Territory, April 3, 1903.

Wesley Lovett,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 23, 1903, affirmed the decision of the Commission, dated February 20, 1903, denying the application for the enrollment of yourself and minor child, Henry Will, as Creek Freedmen.

Respectfully,

Commissioner in Charge.

Respectfully,

9893

(COPY)

Gr. No. 126.

Muskogee, Indian Territory, October 10, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

February 20, 1903, the Commission denied the application for the enrollment of Nancy Levett and her minor child, Henry Hill, as Creek Freedmen, and said decision was affirmed by the Department March 25, 1903, I.T.D. 2706-1903.

September 22, 1903, C. O. Lowe, attorney for said Nancy Levett, filed a motion for a re-hearing of the case. Said motion is herewith transmitted to the Department for consideration.

Respectfully,

(Signed) Tams Bixby

Chairman.

Through the  
Commissioner of Indian Affairs.  
RON 1-10.

8813

Muskogee, Indian Territory, July 16, 1904.

The Honorable,

The Secretary, of the Interior.

Sir:

March 30, 1903 the Department affirmed the decision of the Commission denying the application for the enrollment of Necey Lovett and Henry Hill as Creek freedmen.

July 29, 1904, Crump & Bailey, attorneys for the applicants, filed with the Commission for transmission to the Department a motion for reopening the case, in which it is stated that the name of Necey Lovett appears on the Dunn Roll, and in support thereof filed the affidavits of the principal applicant and Necey Island. Service of a copy of the motion and affidavits on the Attorney for the Creek Nation was had June 29, 1904. No answer to the motion has been filed with the Commission.

The Department is respectfully advised that the name of Necey Lovett is found on the Dunn Roll at No. 732 immediately following the name, Nancy Lovett. The name of Necey Lovett, a male, is contained in the partial list of Creek Freedmen approved March 13, 1902, No. 1173. He has been identified by the Commission on the Dunn Roll at No. 732. The name, Necey Canard, is found on said roll at No. 20 with the following pencil notation: "same as 732".

Secretary -- R.

In view of the facts in the case, it is respectfully recommended that the motion be granted.

The motion for review and accompanying affidavits are herewith transmitted for Departmental consideration.

Respectfully,

Chairman.

Through the Commissioner  
of Indian Affairs

HCM-1.



COMMISSIONER  
TAMM BENT,  
THOMAS B. BENTLEY,  
J. B. BENTLEY  
WM. H. BENTLEY,  
Secretary

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

9849  
APPROPRIATE TO THE RECORDS

GENERAL ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 13, 1904.

Necey Lovett,

Muskogee, Indian Territory.

Dear Madam:

July 16, 1904, the Commission transmitted to the Department motion of your attorneys requesting that the case of Necey Lovett, et al., applicants for enrollment as Creek Freedmen, be reopened.

You are now advised that on August 5, 1904, the Department granted the motion and reopened the case.

You are hereby notified that a reasonable time will be allowed you within which to submit additional evidence in the case. The Creek Nation will also be permitted to introduce evidence relative to your right to enrollment.

Respectfully,



Register.

XX  
Creek En 126  
Creek En 699

Muskogee, Indian Territory, February 10, 1906.

M. L. Kott,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Hooey Lovett, Henry Hill and Alonzo Huddleston as Creek Freedmen.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against decision, and if, at the expiration of that time, no such protest has been made, said Hooey Lovett, Henry Hill and Alonzo Huddleston will be regularly listed for enrollment as Creek Freedmen.

Respectfully,

Chairman.

JYN-10-10

*S. D.*

Creek No. 699.

Muskogee, Indian Territory, April 22, 1905.

Crump & Bailey,

Attorneys Nancy Lovett, et al.,  
Muskogee, Indian Territory.

Gentlemen:

You are advised that the names of Nancy Lovett, Lonzo Huddleston and Henry Hill are contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior April 6, 1905, and that application for a selection of land in the Creek Nation may now be made for said Nancy Lovett, Lonzo Huddleston and Henry Hill at the office of the Commission, at Muskogee, Indian Territory.

Respectfully,

Chairman.

CR EN 700

consolidated with core 6/2

CR EN 700

Muskogee, I.T. May 21 — 1904.

RECEIVED of the Commission to the Five Civilized Tribes one copy  
of the testimony in the matter of the application for the enrollment of  
Rose [unclear] et al as Creek citizens, taken Aug 24-04

En file  
612

E. H. Gastain

CR EU 701

CR EU 701

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 24, 1904.

In the matter of the application for the enrollment of Walter Shepard, deceased, as a Creek Freedman.

APPEARANCE: M. I. Mott, attorney for Creek Nation.

Jane Shepard being duly sworn, testified as follows:  
Examination by the Commission:

- Q What is your name? A Jane Shepard.  
Q How old are you? A I am 32; will be my birthday.  
Q What is your post office address? A Grayson.  
Q Do you make application for the enrollment of Walter Shepard as a Creek Freedman? A Yes sir.  
Q Is he living or dead? A Dead.  
Q Are you the mother of that child? A Yes sir.

The records of the Commission show that Jane Shepard is listed for enrollment on Creek Freedman card Field No. 156, and that her name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, No. 370.

- Q What is the name of his father? A Elisha Shepard.  
Q Is he a citizen of the Creek Nation? A No sir.  
Q State man, is he? A United States citizen.  
Q When was Walter Shepard born? A The 15th day of February, 1900.  
Q How old was he when he died? A He was something over three years; he died last October, in 1903.  
Q Why is it you waited so long? A I was disabled to come after the birth for so long; when I got ready to come they said it wasn't right to file for the babies that were dead.  
Q Who was present when this child was born? A Dr. Smith.  
Q Did he attend on the child when it died? A No sir; we didn't have any doctor.  
Q Have you a child named Sampson Horn? A Yes sir, that's my oldest child.  
Q Have you any children between these two? A No sir.  
Q Did you ever have any? A No sir, just them two.  
Q How old was Sampson Horn when Walter was born? A I disremember just how old he would be; he was 13 years old last month; something over ten years I don't know just exactly.  
Q Could that child walk when it died? A Yes sir; better be walking when its three years old.  
Q Could it talk? A Yes sir.  
Q Who was present when the child died? A Me and my husband and several of the neighbors was there.  
Q Did you buy a coffin for that child? A Yes sir.  
Q From whom? A Brother E. Woods made a coffin.



Q Where does he live? A At my place now; he was on Edward's place then.  
Q What is his post office? A Grayson.  
Q Where was that child buried? A On father's place; Jim Hawkins'.  
Q Have you got a head board or tombstone over the grave? A Headboard.  
Q Was the date of the death put on it? A I don't think there was; they had his name put on there but I didn't pay any attention whether they put the year or not.  
Q You say you have no children younger than Walter? A No sir.

Examination by Mr. Mott:

Q When was this child born? A 1900.  
Q February? A February the 18th day.  
Q What was the matter with him when he died? A Just naturally sick.  
Q How long had he been sick? A Often and on for three or four weeks.  
Q You never had a doctor? A No sir.  
Q Why didn't you have a doctor? A Cause I didn't think it was any good.  
Q Well, you had one with you, didn't you? A Yes sir.  
Q There wasn't any more danger to the child than there was to you?  
A No sir, didn't think he was as seriously sick as he was.  
Q How long were you sick? over a year; not able to do anything.  
Q Did you come to Muskogee during the year? A No sir, didn't come at all.  
Q How far do you live from here? A About 40 miles I think. 46 across country.  
Q Why didn't your husband or somebody else come and file for the child?  
A He couldn't read or write and he waited on me to do the filing for this child.  
Q What day was this child born? Day or night? A It was in Night.  
Q When did it die, day or night? A In the day.  
Q What time of the night was he born? A First part of the night; I don't know the hour.  
Q First part of the night? A Yes sir.  
Q Who was there besides the doctor? A My mother.  
Q How far did Smith live from you? A About a mile and a quarter.  
Q Got any neighbors close to you that know when this child was born and died? A Yes sir, sister Simmons lived close to me.  
Q What is her given name? A Susie.  
Q Is she kin to you? A No sir.  
Q Is she here? A Yes sir.  
Q Was there anybody that is not here that lived close to you? A Yes sir, there's sister Henrietta Batts.

S. J. Smith being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A S. J. Smith.  
Q How old are you? A 41.  
Q What is your post office address? A Grayson.  
Q Are you a physician? A Yes sir.  
Q Regularly licensed physician? A Yes sir.  
Q Do you know Jane Shepard? A Yes sir.  
Q How long have you known her? A 20 years; ever since she been born.  
Q Do you know a child of hers named Walter? A Yes sir; I delivered her.

Q You were the attending physician at that time? A Yes sir.

There is presented for the inspection of the Commission a small book in which appears what purports to be memoranda relative to the birth of various children.

Q Relative to the dates of the birth of these children, when were these entries made? A Made at the time; after I got there; that was made right afterwards cause she had a very severe attack.

Q It is your custom, is it, in cases of this kind to make memoranda? A Yes sir, at the time or shortly after.

On the 6th page of said book, the following entry appears:  
"Elisha Shepard; delivered of wife a mail child; labor extremely severe; hand presentation; child dead; fever set in on Feb. 15, 1900; delivery made by mechanical force Feb. 15 1900; fully developed mail child."

Following what has been previously stated appears:  
"Died October 15 1903." This entry appears to have been made at a different time.

Q Who made this entry in here in regard to this death? A I made the whole entry.

Q When did you make the entry in regard to the death? A I made it myself at the time it died; died of membranous croup.

Q Did you attend on the child? A Yes sir; I went to see it that night.

Q I find down here: "Fees, \$10-- paid \$5." A That's when it was delivered.

Q That follows the date of the death? A Yes sir.

Q You made this entry in regard to the death did you at the time of the child's death? A Yes sir, that was the following day. Course I didn't make it right at the immediate hour; I did that at my office.

Q Were you present when the child died? A No sir; I knew it was going to die.

Q From the information you received, how long after you were there until the child died? A Died the next day; I mean it died that day but I heard of it the next day; I went there about 9 o'clock- he came after me; and I told him at the time it wouldn't live, it had membranous croup.

Q That's this same child, Walter Shepard? A Yes sir; she had only two.

Q This entry you made here refer to Walter Shepard? A Yes sir; she has only Walter and Sam; her mother commenced to labor on the 28th.

Q If the mother of this child testified that there was no doctor in attendance at the last illness of that child, she is mistaken, is she? A I don't know as to that.

Q If he said so? A I know the husband came after me; she had a woman come after me- she had a woman.

Q I am not talking of that; if the mother states that there was no physician in attendance during the last sickness of the child, is she mistaken or not? A She must be; cause her husband came for me.

Q And you went? A Yes sir; walked out there a mile and a half from town and I told him at the time the child would die.

Q You saw the child? A Yes sir; I was right in the house but didn't give him anything at all.

Q Did he pay you for that visit? A No sir; I charged it up but he hasn't paid it; he is to pay it this Fall.

Examination by Mr. Nott:

Q The mother of this child was asked this question: Did a doctor come to see the child during its illness? She said: No, we never had no doctor at all; we didn't think it was very sick; didn't think it was necessary to send for one.-- is that correct or not? A She might have been mistaken; she was sick herself.

Q If she made that statement, is it so or not? A Well, she might be mistaken; she was so sick she didn't know whether the child was living or dead; she had typhoid fever.

Q If she swore that the child didn't have any doctor; she swore that she didn't think it was necessary; how long was she sick when the child was born? A She commenced to labor on the Sunday, and I delivered her on Tuesday; her mother had been there before.

Q What time Sunday? A Night; I delivered her the 5th, Tuesday.

Q What time? A Half past 10 o'clock; I delivered her with mechanical force; with forceps; shoved the hand back and shoved the head through the os.

Q What time did she go into labor? Did you say she began to labor? A Tuesday morning.

Q Did you injure the child in delivery? A No; I didn't think I did; I used the instruments; it li ed from the time it was born till it died; the arm was very much swollen and the arm-- the head of the child was on the bone.

Q Have you got all the entries that you delivered since '90? A Yes sir.

Q This states all of them, does it? A Yes sir.

By the Commission:

Q Do you remember the day of the week that the child died? A No sir, I remember the date it was born because we had a very difficult time of it.

Q When did you commence delivering children, in '99? Deliver any before that? A Yes sir; I lived out there all my life.

Q Why did you commence making these entries in '99? A Because that's the time tht begins.

Q Well, you show a book of entries that begin just two months before this child was born. A Yes sir, that is the first entry I have in that book-- Davis. That's from the original record; accouchant record.

Q Did you attend any others in here that died? A Yes sir; here's one right here.

Q Is that a Creek Freedman here? A Yes sir.

Q Are you a witness in that case? A Yes sir; you asked me for that record.

Q In each of these cases in which you have entries of the birth and death, are they all freedmen? A No; that's the only two.

Q Well, in the cases in which you have the date of the death, are they both freedmen? A Yes sir.

Q Are you a witness in both cases? A Yes sir.

Susie Simmons being duly sworn, testified as follows:

Ex amination by the Commission:

Q What is your name? A Susie Simmons.

Q How old are you? A Forty eight.

Q What is your post office address? A Grayson.

Q Do you know Jane Shepard? A Yes sir.

Q How long have you known her? A All the time.

Q About how many years? A About 11 years.

Q How far do you live from her? A A mile.

Q Did you know a child of hers named Walter? A Yes sir.  
 Q That child is dead, is it? A Yes sir.  
 Q Do you know about when that child was born? A Yes sir.  
 Q How far did you live from it when it was born? A About a mile.  
 Q You know the nature of an oath, do you? A Yes sir.  
 Q You know the penalty that attaches to false swearing? A No sir.  
 Q Well, the penalty that may attach is confinement in the penitentiary; didn't you know that, that's why people are sworn? A Yes sir.  
 Q Were you present when Walter was born? A No sir, I wasn't present when he was born but I went there the day he was born.  
 Q Do you know when he was born? A He was born February 15.  
 Q What year? A 1900.  
 Q Are you a citizen of the Creek Nation? A Yes sir. Proved my rights too.  
 Q How is it that you fix the date; why is it that you remember the exact date this child was born? A Because I was there.  
 Q Didn't you go there any other time? A Yes sir.  
 Q Well, give me some other dates you went there. A I can't because I didn't take any remembrance of it.  
 Q Have you some children? A Yes sir.  
 Q What is the name of your youngest child? A My youngest child I didn't name.  
 Q What is the name of the next one? A Minnie.  
 Q When was Minnie born? A April 16th.  
 Q What year? A I don't know; I am old.  
 Q How old is Minnie? A About 9 years old now.  
 Q Why is it that you remember the date of your neighbor's child's birth the exact date, and you don't remember the date of your own child? A That aint it; if anybody is old they forgets; there's heap of things people forgets.  
 Q When did this child die? A I don't know exactly; I went home and stayed a while and they said it died in October sometime and I wasn't there.  
 Q About how old was this child when you saw it? A I left a day or two after it was born.  
 Q You never saw it again? A No sir.  
 Q Was that child named when you saw it? A Walter; they named it when I got there.  
 Q How long has it been since that child was born? A About 3 years I guess.  
 Q What kind of weather was it when that child was born? A Pretty cold.  
 Q Was it in winter, spring or Fall? A February; it was in Spring like.

Examination by Mr. Mott:

Q Did they send to you? A No sir, they didn't send for me.  
 Q How far did you live from them? A A mile.  
 Q How come you to go? A Old acquaintances of mine and we thought much of each other and I went down.  
 Q Were you the midwife? A No sir.  
 Q What time did you go there? A I don't know what time it was; I didn't keep count.  
 Q The day it was born? A Yes sir.  
 Q Was the doctor there? A Yes sir.  
 Q Did he come before you or after? A He was there.  
 Q How long had he been there? A I don't know sir.  
 Q How long had she been sick when you got there? A I don't know.  
 Q Did she take sick the day you got there? A She took sick and I heard it; everybody was talking about her being sick when I went down there.  
 Q How long was she in labor? A I don't know.  
 Q How long did you hear that she was sick? A I heard it was a week or two before I went.

Q Well, from the time she sent for the doctor till the child was born?  
A I don't know about that.  
Q What day was it you went down? A I don't know; but I went down there the day it was born.  
Q Was it in the morning you went? A It was very near morning.  
Q Did you go before it was born? A No sir.  
Q Did you go after it was born? A Yes sir.  
Q What time of the day did you go? A I don't know; when I got ready.  
Q Well, she said the baby was born in the fore part of the night.  
A It was born in the day they told me.  
Q What time did you get there; don't you know whether it was before dinner or after? A I don't know; I wouldn't say; but as soon as I got everything shaped up I went down there.  
Q Was that after breakfast? A Sometime after breakfast.  
Q How long had she been sick when you got there? A I don't know.  
Q Was she very sick when you got there? A Yes awful sick.  
Q You went off then? A Yes, shortly after.  
Q Where did you go? A Out west.  
Q Never did see the child any more? A No sir.  
Q Do you know when it died? A No sir, they told me it died in October.  
Q When did you get back here? A I have been back a long time.  
Q How long? A About a year.  
Q When you came back, when these people first tell you they wanted you as a witness in this case? A I don't know sir; its been about a week.  
Q Well, you haven't thought about the day of its birth from the time it was born until they told you a week ago? A Yes; I thought about it; I have been down to her house.  
Q Did you put down the date it was born? A No, I didn't.  
Q Well, you went back and stayed two years, didn't you? A Yes sir.  
Q When you came back, how did you remember it was born on the 15th of February? A Because we was talking about it.  
Q Who? A I and another woman that was there when it was born.  
Q Did she say it was born on the 15th? A Yes sir.  
Q That's the way you knew it? Remembered it? A Yes sir.  
Q Well, you can't tell when your own child was born? A No sir, I never went to school.  
Q You went to school enough to know that this child was born on the 15th of February 1900. A No sir, I didn't go to school long enough to learn that; I learned that at home.  
Q Didn't you get this from other people that it was born on the 15th of February? A No sir, I have a little recollection.  
Q How did you remember it? A I have a little mother wit.  
Q Did you put it down? A No sir.  
Q If you can remember it was the 15 of February, why don't you remember the year your own child was born? A I can't tell the month but I can tell the year.

By the Commission:

An affidavit heretofore filed relative to the birth of Walter Shepard is made part of the record herein.

Applicant recalled:

By Mr. Mott:

Q Have you the births and deaths of your family in a bible anywhere?  
A No sir, I got the bible misplaced; we had it in the bible b t lost it; didn't have no large family record anyway.

Henry G. Hains being sworn on his oath states that as stenographer to

the Commission to the Five Civilized Tribes reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry L. Hains.

Subscribed and sworn to before me this 28-day of September, 1904.

*W. H. Martin*  
Notary Public.



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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 13, 1905.

In the matter of the application for the enrollment of Walter Shepard, as a Creek Freedman.  
deceased

(The office of the Creek Attorney was communicated with by 'phone and the Commission was advised that the Creek Attorney was not in.)

Samuel Harjo, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Samuel Harjo--Simon Harjo.
- Q Have you any other name? A Yes sir; S. J. Smith.
- Q How did you come to have so many names? A English name is Samuel Smith; Creek name Samuel Harjo.
- Q Can you talk Creek? A I understand it.
- Q Do you mean to say that Harjo means Smith? A No sir; Harjo means "to be drunk."
- Q How old are you? A 42 years old the 24th day of June.
- Q What's your postoffice? A Grayson.
- Q Are you the identical man who, under the name of S. J. Smith, on August 24, 1904, testified in the case of Walter Shepard, deceased? A Yes sir.
- Q Do you know the names of the father and mother of Walter Shepard? A Jane and Elijah Shepard. She is a Creek citizen.
- Q Did you know that child, Walter Shepard? A Yes sir. I attended the mother. I delivered the mother of the child.
- Q When you testified before, you presented a book memorandum of the visit you made at the time of the birth of the child. A Yes sir.
- Q And on the 6th page of that book the following entry appears:
- "Elisha Shepard. Delivered of wife a mail child; labor extremely severe; hand presentation; child dead; fever set in on Feb. 15, 1900; delivery made by mechanical force Feb. 15, 1900; fully developed mail child."
- Q Is that the record; that you remember it? A Yes sir.
- Q You testified on that date that you made that entry? A Yes sir.
- Q The whole entry? A Yes sir.
- Q When did you make the entry in regard to the death? A At the time he died.
- Q You made the whole entry on that time?
- Q The whole entry on the birth of the child? A Yes sir.
- Q What did you write at the time of the birth of the child? A Elijah Shepard called me and told me about delivering of a child. I went out and delivered it by mechanical force, but I made the entry. I delivered Elijah's Shepard's wife of a male child, fully developed on the day it was born.



Walter Shepard-----2.

Q In that entry about the birth, you have the words, "Child dead?" A The child died ten months probably after that entry was made. He hadn't paid. I was called to see her. The child died from membranous croup. She was sick at the time and I was called to see her.

Q And they asked you to see the baby? A The baby died that night. I told her it was no use.

Q This entry that the child died is in the entry that you made about the birth of the child? A It don't belong in there.

Q It is right in the middle of it? A It should not appear on that date. The child died probably ten months afterwards. If I had made another record, I would say how it died.

Q I will read this to you again; will explain to you what I mean:

"Elisha Shepard. Delivered of wife mail child; labor extremely severe, hand presentation; child dead; fever set in on Feb. 15, 1900; delivery made by mechanical force Feb. 15, 1900; fully developed mail child."

Q That is the entry as it appears from your book and which you state was made at the time of the child's birth. The words "Child dead" appear in the middle of it before the statement ~~made~~ "Delivery made by mechanical force"--is that your record?

A No, it is not the record. The record is this: "Elisha Shepard; delivered of wife a mail child; hand presentation; by mechanical force." Death comes after that--after delivery and that was 12 months afterwards.

Q This record that we have here in the testimony was taken in August and was copied from your book? A It may have been that; I don't dispute it.

Q How do you explain the words ~~which~~ "Child dead" came into the record which you say was made at the time of the child's birth? A The word ought to have appeared at the bottom and the entry gave it. I before explained to Mr. Beaver the date of the death of the child and showed him on my book the date.

Q Then, later on in that testimony your attention was called to another entry as follows:

"Died October 15, 1903."

Q This entry appears to have been made at a different time.

Q Later on you were asked, "When did you make the entry in regard to the death?" A I made it myself at the time it died.

A That entry was made at the time of the death of the child. I was called to see the woman.

Q Why did you put all of that about the death of the child, the words "Child dead", at the time you made the entry of the birth?

A That was a mistake.

Q It was a mistake? ----

Q It appears in your book? A I understand it how my book tells that.

Q When you put that down there, you claim you made a mistake?

A I claim now.

Q Is this the only explanation of that entry? A Yes sir.

Q Of the child, dead? A The child lived.

Q Now Mr. Smith, do you understand the nature of an oath? A I do.

Walter Shepard-----3.

Q Do you know what the penalty is for false swearing? A Yes, sir; I wouldn't swear to a lie.

Q That is the only explanation you can give for the appearance of those words in the entry of the birth--that you made a mistake? A I made a mistake of them.

Q What caused you to make that mistake--did you think the child was dead? A No, sir; he was living.

Q How do you explain the death? A No, I can't say; the child was then in the last act of death; there was no pulsation at all.

Q Here is another entry:

Fees \$10--paid \$5.

Q What did that entry refer to? A About the birth of the child.

Q That means for the fee for the child's birth? A Yes--

Q When did you put that down? A At the time I received the money.

Q When did you receive the money? A A month afterwards.

Q A month after it was born? A Maybe at that time.

Q Are you certain that you received the money before the child died? A Yes sir. Five dollars was never paid of it yet.

Q Are you sure that you put that note ~~tha-~~ down, made that entry "Fees \$10--paid \$5" before the child died? A I think so.

Q About how long after the birth did you make that entry? A About a month, I knew

Q You are sure the child was not dead at that time? A Yes sir.

Q In August this question was asked you: "Q I find down here: 'Fees \$10--paid \$5'" "A That's when it was delivered." "Q

That follows the date of the death?" "A Yes sir." How do you explain this mistake, if it is a mistake? How do you explain what you say that entry about the fees; it was made either at the time it was delivered or about a month after its birth? A It was not dead at the time it was delivered.

Q You also state that the child was living? A Yes sir.

Q And still that entry was made after the entry about the death--how do you explain that? A The mistake was caused in making up my notes in my book, in putting down the date of the death when I made the entry in my day-book, when I went back to the office

Q Do you mean to tell me that you could write down the date of the child months before it happened? A I am trying to explain that. The child had not died until October. It lived.

4. According to your statement you couldn't have made the entry about the fees later than ~~th-~~ about the middle of March, and at the same time that entry about the fees is after the entry about the death of the child--how do you explain that? A I don't know; I can't say into that. The fees is at the bottom of the entry. The fees is charged up of the whole case at the bottom of the memorandum.

Q What time did you make that entry--about the fees--"Fees \$10; paid \$5?" A Well, I made it on the date of the delivery.

Q What date was that? A I don't remember now. She commenced to labor on Friday and was never delivered until Tuesday or Wednesday. They had other doctors there and other woman before I got there. I made the delivery.

Q Was that child born dead? A No sir. The child was born alive and lived until October.

Q You say you made the entry about the fees when you went back to the office? A I suppose I--

Walter Shepard-----4.

Q How did you happen to be so exact in the entry about the death?  
A I can't explain. I don't know. There were some women there.  
Mrs. Randall was there; Mrs. Hawkins was there.  
Q Are you a regular practicing physician? A Yes sir.  
Q Graduate? A Yes sir.  
Q Could you explain these things better if you had the book here now? A I don't know. I expect I could.

The witness is advised that the Commission desires him to appear here with that book--which contains these entries, as he appeared before with it.

Q Were you present when that child died? A Yes sir.  
Q When you appeared here in August you were asked: "Were you present when the child died?" and your answer was "No, sir; I knew it was going to die." "Q From the information you received, how long after you were there until the child died?" "A Died the next day; I mean it died that day but I heard of it the next day. I went there about 9 o'clock- he came after me; and I told him at the time he wouldn't live, it had membranous croup." "Q That's the same child, Walter Shepard?" "A Yes sir; she had only two."  
A The stenographer must have taken the whole proof wrong. The Greek Attorney was here; he was harping and going on.  
Q When did you say the woman began to labor? A I think it was on Friday.  
Q What date? A I don't remember the date.  
Q "Q This entry you made here refers to Walter Shapard?" "A Yes sir; she has only Walter and Sam; her mother commenced to labor on the 28th." "Q If the mother of this child testified that there was no doctor in attendance at the last illness of that child, she is mistaken is she?" "A I don't know as to that."  
Q "If she said so?" "A I know the husband came after me; she had a woman come after me- she had a woman." "Q I am not talking of that; if the mother states that there was no physician in attendance during the last sickness of the child, is she mistaken or not?" "A She must be; cause her husband came for me." "Q And you went?" "A Yes sir; walked out there a mile and a half from town and I told him at the time the child would die."  
A I was called to see the woman, not the child.  
Q I am going to show you a copy of the entry made in your book in regard to the birth of that child--here it is; on the 6th page of said book following notation appears:

"Elisha Shepard; delivered of wife mail child; labor extremely severe; hand prone tation; child dead; fever set in on Feb. 15, 1900; delivery made by mechanical force Feb. 15, 1900; fully developed mail child."

Following his birth there appears (written) "Died October 15, 1903." This entry appears to have been made at a different time.  
A This entry is correct.  
Q You see that this entry "Child dead" appears in the middle of the entry regarding the birth of the child? A The child did not die then.  
Q Why did you put it down? A It was a mistake.  
Q How did you make such a mistake? A ----  
Q You said while ago that the stenographer got the proof wrong--do you claim that that was the mistake of the stenographer? A Yes sir/ the word death should not appear in this case.

Walter Shepard-----6.

Q Doctors are supposed to be careful men? A Yes sir.

Q Do you think it shows care to put down an entry of that kind? A Yes, sir; of course it isn't care. It is a mistake. Sometimes we are liable to mistake. We are subject to mistakes. It might have been carelessness on my part by placing it that way.

Q Don't you think you knew more about the matter they day after the child was born than you do now? A I expect I do.

Q Don't you think the former is likely to be true? A It lived until October; I am sure of that. I went out there several times to see the woman and saw the child.

Q You realize that this entry "Child dead" is written right in the middle of the entry regarding its birth. When you made that entry, you doubtless intended it to be a record of all of that? A Yes sir.

Q You put it down so you would know what happened? A Yes sir.

Q So you would have a record of it? A Yes sir.

Q You put down "Child dead?" A Yes sir. But it was not dead. I made, as I said before--it was a mistake, but not a mistake of the woman, it was the child.

Q You send out your bills on the strength of entries of that kind? A No sir, not on the strength of that.

Q Were you sober when you made that entry? A I don't drink, never drink.

Q Do you ever take drugs? A (reluctantly) No sir. Sometime I take antikamnia.

Q Never take (cocaine) morphine or opium? A (reluctantly) No sir.

Q Are you sure of that? A ----

Q Had you been up all night and pretty tired? A That was in the day time. This labor lasted for two or three days. I was not in the case until the last day.

Q You say you were perfectly sober? A I do.

Q Was not under the influence of drugs, and that you put down "Child dead" and that entry was not true? A I mean so far as the death of the child is concerned. It is not true. It ought not to have appeared that child was dead.

Q Is the rest of the entry correct? A Except the word dead.

Q How do you know you did not make a mistake there? A The child was born.

Q Have you ever been under arrest? A No sir.

Q Ever been in the penitentiary for anything? A No sir.

Q Do you know you could be sent to the penitentiary for false swearing? A Yes sir.

Q Wasn't the child dead at the time it was born? A No sir.

Q Didn't it die the same night? A No sir.

Q Have you ever been a fugitive from justice? A No sir.

Q Have you ever told anybody that you were a fugitive and that you were hiding? A No sir, I have never run away from anywhere.

I -arrested was arrested only once in a whisky case.

Q A short time ago I asked you if you were ever under arrest and you said "No"; then you were under arrest? A Yes sir.

Q Had you forgot about that too? A Yes sir. I understand, I ~~was a fugitive from justice.~~

Q You make many mistakes? A Sometimes, but not intentionally. I never was arrested but once in my life, but that was I cannot remember now.

Q Where was that? A Grayson.

Q Were you ever arrested at any other place, started on the train with the officers and attempted to escape? A No sir, I have always been a law-abiding citizen; but one scrape in my life, and that was ten years ago.

Walter Shepard-----6.

Q This is the record here as it appears in the book? A But it's a mistake about the death.

Q Is this the record that shows about the death,--it appears in the middle there? A It's a mistake of the record.

Q A mistake of yours? A Yes sir.

Q Not the mistake of the stenographer copying the record? A Yes sir.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify upon oath that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Subscribed and sworn to  
before me this 17th  
day of February, 1906.

J. Y. Miller  
E. A. Wells  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 23, 1905.

In the matter of the application for the enrollment of Walter Shepard (deceased) as a Creek Freedman.

(NO APPEARANCES).

Samuel Harjo, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Samuel Harjo; I go by the name of Samuel Harjo; that's my name.  
Q Can you talk Creek? A I can't; understand it all right.  
Q Could you ever talk it? A Yes sir.  
Q How long since you forgot to talk it? A I ain't forgot; I can talk some now.

Official Interpreter McDermott states, after endeavoring to converse in Creek with witness, that said witness is unable to understand the Creek language.

- Q Have you the books with you in which you wrote the original and the copy of the entry about the birth of Walter Shepard? A Yes sir.

Witness presents a small memorandum book in which the entry referred to in his original testimony in this case is written as follows:

"Elisha Shepard; delivered of wife a mail child; labor extremely severe; hand presentation; child bed; fever set in on Feb. 15, 1900; delivery made by mechanical force Feb. 15 1900; fully developed mail child."

"Died Oct. 15, 1903;  
Fees \$10,  
Paid \$5."

- Q Did you write that in this book, Mr. Smith? A No sir.  
Q Did you write any of that? A Yes sir; that part "died Oct. 15" that's my own original hand writing.  
Q Who wrote the rest of it? A My clerk by my dictation; you could get his testimony.  
Q Did your clerk write down these two last lines: "Fees \$10;" "Paid \$5" at the time he wrote the rest of it? A No, the fees were not paid until sometime in December. After the child died he paid me the \$5. He wrote all with the exception of those four words "Died Oct. 15, 1903." That's in my own hand writing.  
Q All the rest he wrote? A At two different times.  
Q About how long apart? A This entry here was made at the time of birth, 1900.  
Q And when was the entry made about the fees? A After the date of the death of the child, 1903.

Walter Shepard-----2.

Said entry appears to be written all in the same hand writing except the reference to the child: "Died Oct. 15, 1903;" but the first entry about the birth of the child seems, in the judgment of the Commission, to be written not only by the same hand but at the same time as the writing about the fee.

Q What do you mean by those words "Child bed fever--" did you mean that the child was sick? A Refers to the mother.  
Q It does not refer to the child? A No sir, but refers to the mother.

There is also presented for the inspection of the Commission a book marked "S. S. Ledger", in which is found, on page 29, the following:

Alisha Shepard family  
delivering of wife one mail  
child; born on Feb. 15, 1900  
died Oct. 15, 1903;  
Fees paid \$5, due \$5

Q Who made this entry? A My clerk, Mr. Woods.  
Q When did he make that entry? A This entry was made at the time after I made it in this book, and the fees--was made in December, 1903, he paid me the \$5.  
Q That's in the handwriting of your clerk except the word death-- This copy in your ledger is from the entry in your memorandum book? A Yes sir.  
Q Copied by your clerk? A Yes sir.

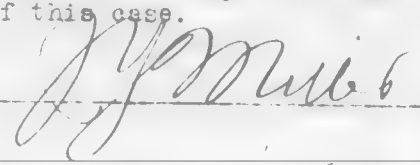
Said entry appears to be by the same writer, and all of it, the birth, death and fees, appears to have been made all about the same time.

Q Did you attend at the birth or death of any children of Creek citizens besides this one? A Yes sir; Charlie Peters; he died October this last year.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify upon oath that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed  
before me this the  
25th day of February,  
1906.

  
\_\_\_\_\_  
Notary Public.



IN RE  
Application for Enrollment of  
INFANT CHILD

*Walter Shephard*  
as a citizen of  
*Creek* Nation.

Approved..... 190

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**

AUG 21 1904

CHAS. H. ...

# DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,  
of Walter Sheppard, born on the 15 day of February, 1900  
Name of Father: Elisha Sheppard, a citizen of the U.S. Nation.  
Name of Mother: Jane Sheppard, a citizen of the Creek Nation.  
Postoffice: Grayson P. O.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western DISTRICT.

I, Jane Sheppard, on oath state that I am 32  
years of age and a citizen, by birth, of the Creek Freedman Nation;  
that I am the lawful wife of Elisha Sheppard, who is a citizen, by  
birth, of the United State Nation; that a male child was  
(Male or Female.)  
born to me on 15 day of February, 1900; that said child has been named  
Walter Sheppard, and is now living:

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this 17 day of August, 1904.

Julia B. Sullins

BY COMMISSIONER

Notary Public.

JULY 14th, 1906.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western DISTRICT.

I, A. J. Smith, a Physician, on oath state that I  
attended on Mrs. Jane Sheppard, wife of Elisha Sheppard  
on the 15 day of Feb., 1900; that there was born to her on said date a male  
(Male or Female.)  
child; that said child is now living and is said to have been named Walter Sheppard.

A. J. Smith, M.D.

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this 17 day of August, 1904.

Julia B. Sullins

BY COMMISSIONER

Notary Public.

JULY 14th, 1906.

IN RE  
THE DEATH OF

Walter Shephard

a citizen of the

Creek

Nation.

Approved

190

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

August 24, 1904

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Walter Shephard  
(Here insert name of deceased.)  
a citizen of the Creek Nation, who formerly resided at or near  
Grayson, Ind. Ter., and died on the 15th day of  
October, 1903  
(Here insert name of possessor.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western DISTRICT.

I, Jane Shephard, on oath state that I am 32  
years of age and a citizen, by adoption, of the Creek Nation;  
that my postoffice address is Grayson, Ind. Ter.; that I am  
mother of Walter Shephard,  
(Here insert name of possessor.) (Here insert name of deceased.)  
who was a citizen, by adoption, of the Creek Nation;  
and that said Walter Shephard died on the 15th day of  
October, 1903.  
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 24th day of August, 1904.

M. J. Martin Jr.  
Notary Public.

AFFIDAVIT OF ASSISTANT.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western DISTRICT.

I, Samuel J. Smith, on oath state that I am 41  
years of age, and a citizen by birth, of the Creek Nation;  
that my postoffice address is Grayson, Ind. Ter.;  
that I was personally acquainted with Walter Shephard,  
(Here insert name of possessor.) (Here insert name of deceased.)  
who was a citizen, by adoption, of the Creek Nation;  
and that said Walter Shephard died on the 15th day of  
October, 1903.  
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 24th day of August, 1904.

S. J. Smith, M.D.  
Physician.

*S. D.*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Walter Shepard, deceased, as a Creek Freedman.

DECISION.

The record in this case shows that on August 24, 1904, Jane Shepard appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Walter Shepard, deceased, as a Creek Freedman. Further proceedings were had February 15 and February 23, 1905.

The evidence shows that said Walter Shepard, deceased, is the minor child of Jane Shepard whose name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, Roll No. 570.

The evidence further shows that said Walter Shepard, deceased, was born February 15, 1900 and died during the year 1903.

It is, therefore, the opinion of the Commission that said Walter Shepard, deceased, should be enrolled as a Creek Freedman in accordance with the provisions of the acts of Congress, June 30, 1902 (32 Stats. 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

Muskogee, Indian Territory,

JUN 14 1905

Muskogee, Indian Territory, December 17, 1904.

Jane Shepard,  
Grayson, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of December 13, relative to the enrollment of Walter Shepard, your deceased child.

It appears from the records of the Commission that on August 24, 1904, you made application for the enrollment of your deceased child, Walter Shepard, as a citizen of the Creek Nation. No decision has been reached in the case. When action is taken in the matter the parties in interest will be duly notified.

Respectfully,

Chairman.

Muskogee, Indian Territory, June 15, 1905.

M. L. Mett,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Walter Shepard (deceased) as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to file protest against said decision, and if, at the expiration of that time, no protest has been filed, said Walter Shepard (deceased) will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Chairman.

JYM-15-16



Cr En 701

Muskogee, Indian Territory, September 20, 1905.

Jane Shepard,

Grayson, Indian Territory.

Dear Madam:

You are hereby advised that the name of your deceased minor child, Walter Shepard, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior September 21, 1905, and that application by the legal representative for the heirs of said child for a selection of land in the Creek Nation may now be made at the Office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 702

CR EN 702

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 24, 1904.

In the matter of the application for the enrollment of William and William J. McIlbray as Creek Freedmen.

APPEARANCE: W. L. Mett, attorney for Creek Nation.

William McIlbray being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William McIlbray.  
Q How old are you? A About 40.  
Q What is your post office address? A Flushing, Long Island, Ny.  
Q Do you make application for enrollment as a Creek Freedman? A Yes sir.  
Q Have you a child for whom you wish to apply? A Yes sir.  
Q What is the child's name? A William J. McIlbray.  
Q How old is that child? A Born the 15th day of March 1896.  
Q What is the name of the mother of that child? A Helen Jay.  
Q Do you claim that she has any rights in the Creek Nation? A No sir.  
Q Were you ever married to the woman of that name? To the mother of that child? A No sir.  
Q Where is that child now? A In New York..  
Q In your custody? A In the custody of the mother; she is only caring for it.  
Q Who has charge of that child? A Its mother.  
Q Do you contribute anything to the support of the child? A Yes sir.  
Q Have you contributed towards its support since its birth? A Yes sir, ever since.  
Q Have you recognized William Jay as being your child ever since it was born? A Yes sir.  
Q And do now? A Yes sir.  
Q What town, in the Creek Nation do you claim to belong to? A Canadian District.  
Q Where were you born? A Ft. Cobb I think.  
Q Were you born in Indian Territory? A Yes sir.  
Q In the Creek Nation? A Yes sir.  
Q How long did you live in the Creek Nation after your birth? A For 17 years.  
Q Then where did you go? A I went to Hampton, Virginia to school.  
Q Have you ever lived in the Creek Nation since that time? A About two months.  
Q You were back here and stayed about 2 months? A Yes sir.  
Q When was that? A In 1903 I believe; 1898.  
Q Had you a home outside of the Indian Territory when you came back here? A I didn't have a home; I only worked.  
Q Did you have any home here during that two months? A Yes sir, I lived with my brother.  
Q You came here and stayed with your brother? A Yes sir.  
Q Did you come back here then with the intention of remaining in the Creek Nation? A No sir; I had not decided where I would go.

Q How long has it been now since you had a residence in the Creek Nation or Indian Territory? A Of course if I took out that time, it would be 20 some odd years.

Q What is your business? A I am a gardener.

Q You are now residing in the State of New York? A Yes sir.

Q Where was this child William Jay born? A In the state of New York.

Q Has he lived there all his life? A Yes sir, around 63rd Avenue.

Q Did you ever draw any money from the Creek Nation? A No sir.

Q You have never drawn any money? A No sir.

Q Do you know whether your name appears on the tribal rolls or not? A Yes sir.

Q At what years, do you know? A No sir, I don't; my brother has drawn for me.

Q Money has been drawn for you? A Yes sir.

Q Has any money ever been drawn for this child of yours? A No sir.

Q Did he send you the money? A No sir, never sent it to me.

Q Have you ever gone by any other name except McGillbray? A No sir; they called me Billy.

Q None other than McGillbray? A No sir.

Q Have you been informed that your name appears on the Creek tribal rolls? A Yes sir.

Q What is the name of your brother that you speak of? A George and John Taylor and Jackson Taylor.

Q What is the name of your father? A Joe McGillbray.

Q Is he living or dead? A Dead.

Q How long has he been dead? About? A About 30 years.

Q What is the name of your mother? A Hepsey McGillbray.

Q Is she living or dead? A Dead.

Q How long has she been dead? A She died when I was small; I suppose about 30 years.

Q You never went by any other name except McGillbray? A Not as I know of.

Q What is your intention as to where you are going to make your home? A I intended to try and get allotment here with my brother.

Q You intend to remain in the State of New York? A No sir, I don't.

Q Do you know whether your name is on the Dunn Roll or not? A Yes sir, it is, because it is in the Creek law book; I got copies of it six or seven years ago and its in there.

Q Were you born during the war or after? A After the war I think.

By Mr. Mott:

Q How old are you? A About 40; I don't know exactly; my brother said 42.

John Taylor being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A John Taylor.

Q How old are you? A About 48 or 49.

Q What is your post office address? A Holdenville.

Q Do you know William McGillbray? A Yes sir.

Q Half brother of yours, is he? A Yes sir.

Q What was his mother's name? A Hepsey McLish I think.

Q Was McLish her owner? A I think so.

Q Did she ever go by any other name? A I don't know.

Q Your name is on the Dunn Roll, is it? A Yes sir.  
Q William is a half brother of yours? A Yes sir.  
Q Did he live in your father's family when you was a boy? A Yes sir.  
Q How old is he? About? A Must be over 40; 41 or 2 or 43.  
Q Do you know whether his name is on the Dunn Roll or not? A Yes sir.  
Q Under what name? A William McGilbray.  
Q Was he ever called by any other name when he was a boy except William? A No sir, not that I know of.  
Q Always called William McGilbray? A Billy.  
Q Did you ever draw any money for him from the Creek Nation? A Yes sir.  
Q How much did you draw? A I drew the first time I think it was \$29, and the second time I think it was 14 and some cents.  
Q What name did you draw under? William McGilbray? A No, I think it was Taylor.  
Q You think you drew it under the name of William Taylor? A Yes sir; I am not sure; I think so; I think his name was William Taylor McGilbray on the last roll.  
Q Did you ever have a child named William? A No sir.  
Q Did anybody ever live in your family by the name of William? A No sir. Only one.

The 1890 authenticated tribal roll of the Creek Nation examined and the principal applicant herein identified at page 72, Canadian town, under the name of William Taylor; he is also identified on the 1895 pay roll of the Creek Nation, Canadian town, at #946 as William Taylor. It appears that the principal applicant has heretofore been listed for enrollment on Creek Freedman card Field No. 1552 under the name of William P. McGilbray and that a child for whom he applies is also listed on that card under the name of William Taylor; a notation on the card states that Nos. 1 and 2 live in Long Island, N.Y.; they are not regularly listed for enrollment at this time nor have their names been transmitted to the Secretary of the Interior for approval.

Applicant recalled:

By the Commission:

Q How long have you been in Indian Territory? A Only since Sunday night.  
Q You have been in the Creek Nation since Sunday night? A Yes sir.  
Q You declare it as your intention to remain in the Creek Nation; that you have removed here in good faith for the purpose of making it your home? A Not now; I expect to go back; if the thing is all right I expect to come back.  
Q The treaty provides that those who are on the rolls and the non-residents may be enrolled provided they remove to the Creek Nation in good faith prior to the time the rolls are closed; you have to show by proof that you have removed to the Creek Nation in good faith before you can be enrolled. Is it your intention to remove and bring this child to the Creek Nation? A Yes sir, now it is under the care of its mother and it is attending school too. It might be better to keep it under educational arrangements for two or three years more; she is not in complete control of it; she only cares for it.  
Q Do you exercise any control of that child? A Yes sir; I give a certain amount every month for the care of it and see it at least once a month.

Q Do you have the correction and control of that child? A Its mother, of course it lives with its mother; of course she has the regular care of it while it is living; I go down to school or write a letter to the people about it. Of course there's truant officers that make it go to school or report to the parents.

Q Do the teachers report to you about that child? A Yes sir; notify the officers take it down to schools.

Q The mother has no intentions that you know of of removing to the Indian Territory, the mother? A No sir; I am not married.

Q Has she any intention you know of of removing to the Creek Nation?

A No sir. My intention now is to live in the Creek Nation; I am here now. I intend to live here. Of course I will have to make a trip back.

Q You consider this your home from now on? A Yes sir.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes reported this case and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains.*

Subscribed and sworn to before me this 28 day of September, 1904.

*H. M. [Signature]*  
Notary Public

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
William McGilbray, et al. as citizens of the Creek Nation.

Muskogee, Indian Territory, November 25, 1905.

William Taylor McGilbray, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

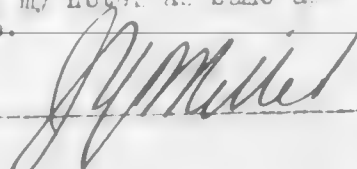
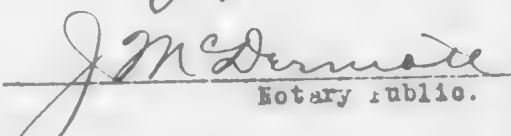
- Q What is your name? A William Taylor McGilbray.  
Q How old are you? A I am about 40.  
Q What is your postoffice address? A Will be now at Holdenville.  
Q Have you removed to the Creek Nation? A Yes sir.  
Q Where were you before you removed here? A Flushing, Long  
Island, New York.  
Q When did you remove from Flushing? A I left there on the 20th;  
got here on the 23rd, on Wednesday.  
Q Did anyone come with you? A All alone.  
Q Did you move any of your household goods here? A I had nothing  
except clothing, brought them in my trunk. Never kept house.  
Q All you had you brought with you in the trunk? A Yes,  
the trunk and baggage.  
Q Where is your postoffice now? You say it will be at Holden-  
ville. A It is Muskogee now; get my mail at Muskogee. I expect  
to go to Holdenville today.  
Q Have you come here to live--in Indian Territory? A Yes, I  
came here to live.  
Q Intend to make this your home? A Yes sir.

Witness is advised that he should appear thirty days from  
date for the purpose of establishing the fact that he had in good  
faith made Indian Territory his home.

INDIAN TERRITORY, Western District.

J. F. Y. Miller, a stenographer to the Commissioner to the  
Five Civilized Tribes, do hereby certify that the above and fore-  
going is a true and complete translation of my notes as same ap-  
pear in my stenographic report of this case.

Sworn to and subscribed before me  
this the 28th day of November,  
1905.

  
  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 27, 1905.

In the matter of the application for the enrollment of William McGilbray, et al, as citizens of the Creek Nation.

William Taylor McGilbray, being sworn, testified as follows:

Q What is your name?

EXAMINATION BY THE COMMISSIONER: A William Taylor McGilbray.

Q You have testified before in this case, have you? A Yes sir.

Q You appeared here on November 25, 1905, and stated that you had removed to the Creek Nation, and you were told that you would be allowed thirty days within which to come back and report that you in good faith made this your home. A Yes sir.

Q Have you done this? A Yes, I live at Holdenville.

Q You now live at Holdenville? A Yes sir.

Q You have in good faith removed to and made Creek Nation your home? A Yes sir.

Q You rent there, do you? A No, I live with my brother, John Taylor. I am not married. He is a half brother.

Q What is the name of your child? A William Jay McGilbray.

Q The child is living? A Yes sir.

Q Who has the custody of this child? A Its mother.

Q Where is she living? A New York City.

Q She has not removed to the Creek Nation? A No sir, I am not married, you know.

Q The child is living with its mother? A Yes sir.

Q And she has custody of it? A Yes sir. She didn't have all the time.

Q How? A Oh, yes, sir, now, yes.

Q The child has never been in the Creek Nation? A No, never. It's entirely under my own control; that woman is just a keeper; that is all.

Q Do you support it? A I do, Yes sir.

Q Have you sent any money from the Creek Nation, here, for its support? A No sir.

Q Did you make a provision for it when you left New York? A I haven't, but I expected to.

Q You say it is going to school in New York? A Yes sir.

Q Who is paying for the schooling? A Free school--public school; it don't cost anything.

Q Who is paying for its board and keep? A I am.

Q When did you make the last payment? The last time was the first of last month, before I came here.

Q The first of November? A About the first of November; I left there on the 20th.

Q You intend to make Creek Nation your home from now on? Yes, I do.

Q Come to live at Holdenville? A Yes sir.

INDIAN TERRITORY, Western District.

I, J. F. Miller, stenographer to the Commissioner to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed before me  
this the 27th day of December,  
1905.

*J. F. Miller*  
*J. M. G. G. G. G. G.*  
Notary Public.

63

726/06.

... infant child the aforesaid William Jay Mo

State of New York,  
County of New York, } ss.

Form 2.

3 and

PETER J. DOCKING,

1. ~~THOMAS J. HAMILTON~~ THOMAS J. HAMILTON, Clerk of the County of New York, and also Clerk of the Supreme Court for the said County, the same being a Court of Record, DO HEREBY CERTIFY, That

*Edmund A. Koll*  
before whom the annexed deposition was taken, was, at the time of taking the same, a Notary Public of New York, dwelling in said County, duly appointed and sworn, and authorized to administer oaths to be used in any Court in said State, and for general purposes; that I am well acquainted with the handwriting of said Notary, and that his signature thereto is genuine, as I verily believe.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the said Court and County, the 20 day of February 1906

44-2 (2) (B)

*Peter J. Docking*  
Clerk

Affidavit of Mother of Infant Child,  
William Jay McGilbry.

State of New York, )  
County of New York, ( ss:-

Eleanor Jay being first duly sworn, deposes and says :

That deponent's true name is Eleanor Jay, but that deponent also passes under the name of Mrs. William T. McGilbry and that deponent is the identical person named as Helena McGilbry in the certificate of the record of the birth of the child William Jay McGilbry, which record deponent is informed and so believes the fact to be, is now on file in the Department of Health of The City of New York in the State of New York and a certified copy of which record is herunto attached and marked "Exhibit A".

That deponent is fifty years of age and is a citizen of the Kingdom of Great Britain.

That on the 13th. day of March, 1891, in the house of Mrs. Minnie Geist, whose affidavit is herunto attached, at number 167 East 81st. Street, in the Borough of Manhattan, in the City and State of New York, this deponent gave birth to a male child and that, said child within ten days thereafter was named William Jay McGilbry.

That the father of said infant child, so born as aforesaid is William Taylor McGilbry, a Creek Indian and a citizen by blood of the Creek Nation.

That said infant child, the aforesaid William Jay McGilbry, was living on the 4th. day of March, A.D. 1905 and that he, the said infant child, is still alive.

Subscribed and sworn to  
before me this 19th day  
of February, 1906.

*Eleanor Jay*

*Edmund A. Kell*  
*Notary Public*  
*A. Geo.*

New York, February 7, 1908

A Transcript from the Records of the Births reported to the Department of Health of The City of New York.

**The City of New York.**

STATE OF NEW YORK.

No. of Certificate,

# CERTIFICATE AND RECORD OF BIRTH

7277

Name of Child William McGilbry

Sex	Male	Father's Occupation	Cardner
Color	White	Mother's Name	Helena McGilbry
Date of Birth	March 13, 1901	Mother's Name before Marriage	Helena Jay
Place of Birth (Street and No.)	167 East 81st Street	Mother's Residence	New York
Father's Name	William McGilbry	Mother's Birthplace	England
Father's Residence	New York	Mother's Age	30 years
Father's Birthplace	U. S.	Number of previous Children	-----
Father's Age	30 years	How many now living (on all)	One

Name and address of person making this report

Signature Mrs. Coist

Residence. 167 East 81st Street

Date of Record March 23, 1921 100x

M. H. J.

A True Copy,

203, '05, 8,000 (P)

NOTICE.—In issuing this transcript of record, the Department of Health of The City of New York does not certify to the truth of the record transmitted, and no inquiry as to the facts reported has been provided for by law. The seal of the Department of Health attests only the correctness of the transcript, and no inquiry as to the facts reported has been provided for by law.

-That deponent, as a physician, has attended said infant child from time to time, from the last mentioned date down to the present time.

That the said infant child, the aforesaid William Jay McGilbry, was living on the 4th. day of March, 1905 and to the best of this deponent's knowledge, information and belief

State of New York, } ss.  
County of New York, }

PETER J. DOOLING.

Form 2.

this

I, ~~THE~~ ~~NOTARY~~ ~~PUBLIC~~ ~~OF~~ ~~THE~~ ~~COUNTY~~ ~~OF~~ ~~NEW~~ ~~YORK~~, Clerk of the County of New York, and also Clerk of the Supreme Court for the said County, the same being a Court of Record, DO HEREBY CERTIFY, That

M.D.

*Frederick A. Black*  
before whom the annexed deposition was taken, was, at the time of taking the same, a Notary Public of New York, dwelling in said County, duly appointed and sworn, and authorized to administer oaths to be used in any Court in said State, and for general purposes; that I am well acquainted with the handwriting of said Notary, and that his signature thereto is genuine, as I verily believe.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the said Court and County, the 26 day of *July* 190*6*

*Peter J. Dooling*  
Clerk

Affidavit of Dr. J. Ferrier.

State of New York,  
County of New York( ss:-

Dr. J. Ferrier, being first duly sworn, deposes and says:

That he is a physician in regular practice in the City of New York, in the State of New York and that he has his office at number 270 Lenox Avenue, in the Borough of Manhattan, in the City and State last aforesaid.

That deponent is well acquainted with an infant child named William Jay McGilbry.

That, to the best of deponent's information and belief said child is the son of Eleanor Jay, of the last aforesaid Borough, City and State.

That said Eleanor Jay is also known as Mrs. McGilbry.

That deponent, as a physician, was called upon to attend said infant child in the month of December 1891 and that, at that time, said infant child was about six months old.

-That deponent, as a physician, has attended said infant child from time to time, from the last mentioned date down to the present time.

That the said infant child, the aforesaid William Jay McGilbry, was living on the 4th. day of March, 1905 and to the best of this deponent's knowledge, information and belief said infant child is still alive at the time of making this affidavit.

Subscribed and sworn to  
before me this 18 day  
of February, 1906.

James Ferrier M.D.

*Notary Public (N.Y.C.)*  
*Upd.*



State of New York, (  
County of New York,) ss:

Mrs. Minnie Geist being first duly sworn deposes and  
says:

That her name is Mrs. Minnie Geist; that she now  
resides at number 337 East 50th. Street, in the Borough of  
Manhattan, in the City of New York, in the State of New  
York.

" 2

That in the month of March, 1891, she resided at  
number 167 East 81st. Street, in the last aforesaid Borough,  
City and State and that she was the only person having de-  
ponents name residing in said number 167 East 81st. Street,  
during the month last aforesaid.

That deponent is by profession a legal mid-wife.

That on the 13th. day of March, in the year 1891,  
at number 167 East 81st. Street in the Borough and City last  
aforesaid, deponent attended, as mid-wife, on a lady whose  
married name deponent understood to be Helena McGilbry and  
whose name prior to her marriage, deponent understood to be  
Helena Jay.

" 3

That on the day, month and year last aforesaid and  
at number 167 East 81st. Street, aforesaid, there was born to  
the aforesaid Helena McGilbry, otherwise known as Helena  
Jay, deponent being present, a male child.

That the name announced to this deponent shortly after  
the time of the birth of the aforesaid child, as the name  
of said child, was William McGilbry.

" 4

That shortly after the birth of said child, the said  
Helena McGilbry, otherwise known as Helena Jay, left depo-  
nent's residence at the number last aforesaid, taking with

her the said male child and deponent has no further knowledge, of the said male child.

And further the deponent saith not.

Subscribed and sworn to  
before me this 7<sup>th</sup>  
day of February, A.D. 1906.

*Mrs Minnie Geist*

*Edmund A. Roll*  
*Notary Public*  
*N.Y.*

Record in re investigation of enrollment and allotment of William McGilbray, Creek freedman, and report of H. L. Mott, Creek Attorney, dated June 21, 1913, to Indian Office June 28, 1913.

WHA

Record consists of testimony taken August 24, 1904, November 25, 1905, and December 27, 1905, together with decision of Commissioner of Mar. 6, 1906, letter from William T. McGilbray, dated Jan. 8, 1905, and letters from this office under date of May 20th and September 25th, 1905, and March 6, 1906, to John Taylor and William McGilbray and to H. L. Mott, Creek Atty.

To the Hon Commission  
of Indian Affairs

Dear Sir:

I beg permission to make application for a separation of my case from my son Wm Jay McGilbray pending the taking of affidavits of the mother of said Wm Jay McGilbray who is now attending school in the city of N Y and who will remove to the Indian Territory at the close of the present school year

I remain sincerely

Wm T McGilbray

Holdenville I T

Jan 8, 1905

En. 702

Muskogee, Indian Territory, January 8, 1906.

William Taylor McGilbray,

Holdenville, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of your minor child, William J. McGilbray, as a Creek freedman, this office desires the affidavit of the mother and the midwife in attendance at the birth of said child; setting forth the child's name, the names of his parents, the date of his birth, whether or not he is now living and if not the date of his death.

In the event that you are unable to secure the affidavit of the midwife in attendance at the birth of said child, this office requires in lieu thereof the affidavits of two disinterested witnesses setting forth the above facts.

Respectfully,

Commissioner.

BA  
Dis.

En. 702.

Muskogee, Indian Territory, January 9, 1906.

William T. McGilbra,  
Holdenville, Indian Territory.

Dear Sir:

Receipt is acknowledged of your letter of January 3, 1906, in the matter of the right to enrollment of yourself and family as citizens of the Creek Nation. You ask for an early decision in said case.

In reply you are advised that in the matter of the application for the enrollment of your minor child, Willie J. McGilbra, this office requires the affidavits of his mother and the physician or mid-wife in attendance at his birth, a blank form for which is herewith inclosed.

This matter should receive your prompt attention.

Respectfully,

Commissioner.

BA. En-702.

7424

REPLY IN ANSWER TO THE FOLLOWING:
Cr. No. 702.

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 26, 1906 .

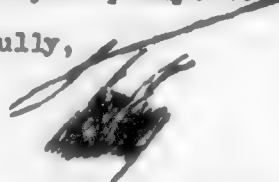
William McGilbray,  
Holdenville, Indian Territory.

Dear Sir:

You are hereby advised that your name is contained in the partial list of Freedmen of the Creek Nation, approved by the Secretary of the Interior June 16, 1906, and you can now make a selection of land in the Creek Nation at the Creek Land Office in Muskogee, Indian Territory.

This matter should receive your prompt attention.

Respectfully,



Commissioner.



Gr. In. 702.

Muskogee, Indian Territory, June 26, 1906.

(  
Merritt Eslick,

Attorney for William McGilbray,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the name of William McGilbray is contained in the partial list of Freedmen of the Creek Nation, approved by the Secretary of the Interior June 16, 1906, and that a selection of land in the Creek Nation may now be made for him.

Respectfully,

Commissioner.

Executive Office.  
Muskogee, Nation.

Nov. 28, 1906.

Commissioner to the Five Civilized Tribes;  
Muskogee, Indian Territory.

Sir:

In the matter of William McGilbry who has been enrolled by authority of the Secretary of the Interior as a citizen of the Creek Nation, and who was yesterday by order of the Commissioner, at my request authorized to select his allotment and homestead, and it having been suggested that there was a question as to the legality of his claim to citizenship, I request that his deeds be not recorded by you until full opportunity is given the Nation for investigation and inquiry into this matter.

Yours truly,

(Signed) W. J. Mott

Attorney for Creek Nation.

— Looking N.Y.

Oct 20/91

Mr James Bushy

Dear Sir

I beg to address you in reference  
to the Census, that is now  
being taken in the Creek  
Nation. — I am a Citizen  
by birth and blood of the  
Creek Nation. But have been  
away for some time and I  
now find it almost impossible  
to reach my home in time to  
register in the 11th Ward  
District where my Brother  
John Madison Taylor lives  
who is considered the head of  
the family and who  
draws my Ancestral Payment during

- My answer, I suppose that  
He has passed my name to you  
at Hollanden. Now I wish to  
ask you if my name is on the  
list and if not, what course  
should I pursue. I have -  
another Brother, (George H. Taylor)  
who lives about 9 miles west of  
Muscookee, on Pecan Creek. If  
you may seek information  
if necessary. Feeling that I am  
greatly indebted to you for the  
information I am seeking I  
remain Sincerely Yours

Wm Taylor McGilley

Answered Oct 25-97

Saying his name had been filed for  
enrollment

Family No.

92

10880611

Dist.

Page No.

No. Creek No. District No.

Name of Family

Members of Family

Relat-  
ship

Age

Sex

Profession  
of Birth

Place of Birth

District

Remarks

McGibby William Taylor

CR EN 703

CR EN 703

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MURKOOKER, I.T. AUGUST 24, 1904.

In the matter of the application for the enrollment of Joe Harrison as a Creek Freedman.

APPEARANCES: Wolfenbarrer & Jenkins, attorneys for applicant.  
M.L. Mott, attorney for Creek Nation.

Joe Harrison being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Joe Harrison.  
Q How old are you? A I am in my 56th year.  
Q What is your post office address? A Gatesville, I.T.  
Q Do you make application to be enrolled as a Creek Freedman? A Yes sir.  
Q Were you ever known by any other name? A No sir.  
Q Do you know anybody by the name of Joseph Crow? A Yes sir; that's my nick name.  
Q You were known by the name of Joseph Crow, then? A Yes sir.  
Q Did you ever draw any money from the Creek Nation? A No sir.  
Q Is your name on any of the rolls of the Creek Nation? A No sir, on no roll.  
Q How long have you lived in the Creek Nation? A About 7 years; I come from the Cherokee Nation when I was 12 years old, and my mother says that; and I have lived in the Creek Nation ever since.  
Q Were you a slave before the war? A Yes sir.  
Q Were you at one time the slave of Cherokee citizen? A Yes sir.  
Q Were you ever sold from that citizen? A No sir.  
Q Were you ever the slave of a Creek citizen? A No sir.  
Q Were you the slave of a Cherokee citizen when they were freed? A Yes sir.  
Q Did you give in the names of your family when they were enrolled by the Commission? A I think I did.  
Q Have you a child named Martha? A I did; she's dead.  
Q One named Edward? A Yes sir.  
Q Sarah? A Yes sir.  
Q Annie? A Yes sir.

The records of the Commission show that Rachel Harrison and her children just named are listed for enrollment on Creek Freedman card Field No. 721 and that their names are contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 28, 1902. The information on that card, which the applicant states was given by himself, shows that Joseph Crow was the father of the children named, and that he is a non-citizen.

- Q That's the information you gave then yourself? A Yes sir.  
Q Were you ever recognized by the people of the Creek Nation as a citizen? A No sir.  
Q Did you ever attempt to obtain recognition as a citizen of the Creek Nation? A No sir, never did.  
Q Never did enroll? A No sir.

Examination by Mr. Jenkins:

Q Why didn't you attempt? What was the reason? A My family were all Creeks and living in the Creek Nation, and it was useless to make application for the Cherokee Nation, for they wouldn't go there with me, and consequently I never made application.



Q Did you ever make application anywhere? A No sir.  
Q And you was brought to this nation by your mistress? A Yes sir.  
Q What year? A I disremember; I was just a small boy.  
Q And you continued to live here then for how long? From then until now? Have you been out of the Creek Nation? A I think I was out about four years previous to that is time of war in Kansas and stayed there.  
Q What did you do up there? A I was a teamster for the government for about 2 years and then I came back here and ran a crop.  
Q Back here? A Yes sir, to the Creek Nation.  
Q Whom did you come with? A Old man Paro Bruner for one; old man Constable, he is now dead; and Eastman Primer, a brother of Paro.  
Q You have lived here ever since that time? A Yes sir.  
Q Have you always been treated by the Creek authorities as other citizens as far as holding and using land? A Yes sir.  
Q Except that you have never participated in the money? A No sir.  
Q Did you ever pay any permit to the Government of the Creek Nation to allow you to remain here? A No sir.

-----

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains.*

Subscribed and sworn to before me this 29 day of September, 1904.

*[Signature]*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. AUGUST 28, 1904.

Additional testimony

In the matter of the application for the enrollment of Joe Harrison as a Creek Freedman.

APPEARANCES: Wolfenberger & Jenkins, attorneys for applicant.  
N. L. Mott, attorney for Creek Nation.

Paro Bruner being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Paro Bruner.  
Q How old are you? A About 80.  
Q What is your post office address? A Paro, I.T.  
Q Do you know Joe Harrison? A Yes sir.  
Q How long have you known him? A I have known him since '62.  
Q Where did you know him? A First I saw him was Southwest part of the Creek Nation; he was there working with a cow man.  
Q In '62? A '62.  
Q Was he a slave at that time? A Yes sir, I think he was.  
Q Was he the slave of a Cherokee citizen? A Yes sir.  
Q Did you keep track of him then until the slaves were freed? A Yes sir.  
Q Was he the slave of a Cherokee citizen when the slaves were freed?  
A Yes sir, but he was among the Creeks all the time.  
Q You are a member of Canadian town? A Yes sir.  
Q Does his wife belong to your town? A She belongs to Arkansas.  
Q To your knowledge was this man ever recognized in any manner as a citizen of the Creek Nation? A That I am hard to say; he lived on the Non side of Arkansas and there was another town king, and I am not able to give correct answer.  
Q Was it the custom among the Creeks when a non-citizen married among them to allow him to settle here and live here; clear up land and have a home? A Yes sir.  
Q You are an old citizen of the Creek Nation? A Yes sir.  
Q Lived here all your life? A All my days.  
Q Been an officer in the Creek Nation for a long time? A Since '71; been out four years and back again today.

Examination by Mr. Wolfenberger:

- Q Now, Mr. Bruner, I am going to ask you only a few questions; You state to the court here you know him in '62. A Yes sir.  
Q Did you go with him anywhere or did he leave the Nation anywhere?  
A He went ahead of me in '62 going to the State of Kansas; and after I got to Kansas I got acquainted with him and been acquainted with him since '66, and his wife is my uncle's daughter; first cousins; we all come back together.  
Q When did he marry? A I must tell you the truth; I disremember what year; but he was married in the family up in Kansas and come back.  
Q Did you come back with him? A Yes sir.

Q What time did you come back? A '66; March 14th I crossed the Arkansas river.

Q Do you know whether Harrison has been in the Creek Nation ever since that time? A Ever since I come I find him.

Q Do you know whether or not he had a place he lived on? A Yes sir; good place; got it today.

Q Do you know how long he had been here in --- you didn't know him before '62? A No sir, I didn't know him until he landed in the Creek Nation S.W. of Muskogee nation; then he went across to Munn's and I followed him soon and went there too.

By the Commission:

Q When white men or colored men married citizens of the Creek Nation I understand you to say that the Creeks allowed them to settle here and improve a place? A Yes sir.

Q Did it confer any further rights on them than that? A That I can't say, Commissioner, to your Honor, I can't say; for at that time before the late war I wasn't well posted in the laws and customs and usages as I am today.

Q I am talking about now? A Yes sir.

Q Suppose a white man ten years ago came here and married a Creek Indian, the Creeks allowed him to settle on a place and improve it? A Yes sir.

Q If his wife was a Creek citizen? A Yes sir.

Q They didn't allow him any further rights? A No sir.

Q They didn't pay him any money? A No sir.

Q He wasn't considered a citizen? A No sir, only said in the law by intermarriage.

Q He was allowed to live here on account of his marriage? A Yes sir.

By Mr. Wolfenbarger:

Q If a white man comes here and marries in this Indian country he is allowed to live here? A Yes sir.

Q If a Cherokee came here and lived here, he was allowed to enroll, was he? A Enroll?

Q Do you know Mrs. Sue Rogers? A Yes sir.

Q Is she a Cherokee? A Yes sir, I consider her such today.

Q She is enrolled in the Creek, is she? A Yes sir.

Q Do you know of anybody else that has been enrolled over here that are Cherokee citizens? A I might stand on my particular friend's heel; pretty shrewd question; there's many and many; stand on the big toe and hurt it; so, I ask to be released from that question.

Q Do you know Mr. John Lieber's wife? A Yes sir.

Q Do you know Mrs. Scott that used to be Mrs. Lynch; Jim Lynch's wife? A Yes sir.

By the Commission:

The records of the Commission show that the name of Susan M. Rogers is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior March 28, 1901, No. 7624; that she is possessed of 3/8 Creek blood; that her father was William Drew, a Cherokee, and her mother, Delilah Drew, a Creek.

(To attorney) In that Mrs. Lynch you refer to Jim Lynch's wife? A Yes, sir, used to be.

The records of the Commission show that the name of Dollie Lynch, wife of James M. Lynch is contained in the partial list of Creek citizens by blood approved by the Department March 13, 1902, No. 1174; that she is of 1/8 Creek blood; that her father is W.F. Self, a Creek, and her mother, Mary Self, and the Commission's Creek records show that she was

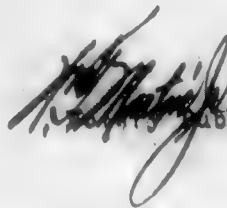
a non-citizen of the Creek Nation.

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Henry O. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry O. Hains .

Subscribed and sworn to before me this 29 day of September, 1904.

 H. H. Matney  
Notary Public.

Brief in the matter of Joseph Harrison (sometimes called Joe Crow) for enrolment as a Creek Freedman.

The proof shows Joe. Harrison was born in the Cherokee Nation in the year 1847; that he was a slave of Rachel Sutton a Cherokee Indian; that he was brought to the Creek Nation by his said mistress about the year 1849; and resided in this nation until the year 1862, when he went to the State of Kansas and served the U.S. Army as a teamster.

That he returned to the Creek Nation from the State of Kansas in March 1866, and have lived here ever since that time and is now a citizen of the Creek Nation; that he has always been treated as a citizen of this nation by the Creek authorities, and enjoyed all privileges the same as other citizens except that he has never participated in any military annuities.

ARTICLE II of the treaty of the Creeks with the United States approved August 11th 1866. reads as follows:

"The Creeks hereby covenant and agree that hereafter no slavery nor involuntary servitude otherwise than in the punishment of crimes, whereof the parties have been duly convicted in accordance with laws applicable to all members of said tribe, shall ever exist in said nation; and inasmuch as there are among the Creeks many persons of African descent, who have no interest in the soil it is stipulated that hereafter these persons, lawfully residing in said Creek country under the laws and usages, or who have been thus residing in said country, and may return within one year from the ratification of this treaty, and their dependants and such others of the same race as may be permitted by the laws of said nation to settle within the limits of the jurisdiction of the Creek Nation as citizens thereof, shall have and enjoy all the rights and privileges and native citizens including an interest in the soil and national funds; and the laws of said nation shall be equally binding upon and give equal protection to all such persons; and all others, of whatsoever race or color who may be adopted as citizens or members of said tribe. Constitution and laws of the Muskogee Nation 1866."

Joe Harrison was at the time of the adoption of this treaty lawfully residing in the Creek Nation, under their laws and usages or it was the custom long established to allow citizens of other nations with their slaves to reside here, as in the States. Joseph Harrison was at the time of the adoption of this treaty and the evidence shows among the Creeks and is of African descent, and had no interest in the soil. But the stipulation in the treaty gave him an interest in the soil for he was lawfully residing in the nation, under the laws and customs of the country in force at that time.

The treaty also provided that "and others of the same race as may be permitted by the laws of said nation to settle within the limits of the jurisdiction of the Creek Nation as citizens thereof shall enjoy all the rights thereto, etc."

Joe. Harrison was here at the time of making this treaty, and was permitted to remain here and enjoy the privileges without having to pay tribute to the Creek Nation, and was treated as a citizen of other citizens, except that he never attempted to acquire any of the national rights.

The words "usage" and "customs" are general terms which include all local writings and in particular the laws of the nation. It is a well established principle of law that a usage or practice of a people, which is common adoption and acquiescence, and a long and unvarying, which has become a rule, and which has acquired the force of the law, will be respected to the place or subject matter to which it relates. A law not written established by long usage and the consent of our ancestors, is it is universal, it is common law; if particular to this or that place, it is either a civil custom, American and English law, and media of law page 702, sects. 1 and 2 and note 1.

As we have still before them was held on the 11th of June of the Creek Nation at the time of the making of the treaty in relation to the residence of persons of African descent. We have to fall back on the usage and custom which became the law of the nation in regard to this

-2-

matter. The usage and custom was that citizens of other nations could come to the Creek Nation and bring their slaves and reside here and after said slaves were set free and emancipated, if in the Creek Nation at the time were treated as entitled to recognition as Africans entitled to citizenship.

(Signed) Wolfenberger & Jenkins  
Attorneys for Joe Harrison

(Endorsed on back.)

Brief in the application of Joe Harrison for enrollment as a Creek Freedman.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Filed

Oct. 8, 1904.

Tams Bixby

Chairman.

Wolfenberger & Jenkins

Att'ys for Joe Harrison.

*P. d.*  
*99/3*

En. 703.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Joe Harrison as a Creek Freedman.

-: SUPPLEMENTAL STATEMENT :-

Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867, examined and the name of Joe Harrison not found thereon.

Record of the proceedings of the Colbert Commission in the possession of this Commission examined and it does not appear that application was made to said Commission for the admission of Joe Harrison to citizenship in the Creek Nation.

Record of the proceedings of this Commission under authority of the act of Congress of June 10, 1896, examined and it does not appear that application was made to said Commission for the admission of said Joe Harrison to citizenship in the Creek Nation.

The tribal rolls of the Creek Nation in the possession of the Commission examined and Joe Harrison not identified on any of said rolls.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Chairman

Muskogee, Indian Territory

November 17, 1904.



C. D.

En. 703.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Joe Harrison as a Creek Freedman.

-: D E C I S I O N :-

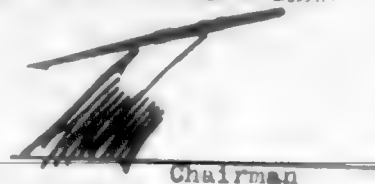
The record in this case shows that on August 24, 1904, Joe Harrison appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Creek Freedman. Further proceedings were had August 25, and November 17, 1904.

The evidence shows that said Joe Harrison was fifty-six years old at the date of the application herein and that his name does not appear on the Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867.

The evidence further shows that the applicant has never been enrolled as a citizen of the Creek Nation, nor has he ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of this Commission that there is no authority of law for the enrollment of said Joe Harrison as a Creek Freedman and that the application for his enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES



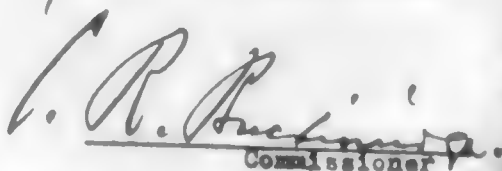
Chairman



Commissioner

Muskogee, Indian Territory

JUN 1 1905

  
Commissioner

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Joe Harrison as a Creek freedman.

DECISION.

The record in this case shows that on August 24, 1904, Joe Harrison appeared before the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, and made application for enrollment as a Creek freedman. Further proceedings were had August 25, and November 17, 1904.

The evidence shows that said Joe Harrison was fifty six years old at the date of the application herein and that his name does not appear on the roll of Creek freedmen made by J. W. Dunn prior to March 14, 1867.

The evidence further shows that the applicant has never been enrolled as a citizen of the Creek Nation, nor has he ever been admitted to citizenship in said nation by the Creek tribal authorities, the Commissioner to the Five Civilized Tribes, or the United States Court in Indian Territory.

The act of Congress approved April 26, 1906, (Public No. 129), provides:

"That the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J. W. Dunn, under authority of the United States prior to March fourteenth, eighteen hundred and sixty seven, and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of said roll, and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior."

I am, therefore, of the opinion that, following the ruling of the Department in the case of Prissie Carruthers (I.T.D. 5286-1906), the said Joe Harrison is not entitled to be enrolled as a Creek freedman under the provision of law above quoted and that the application for his enrollment as such should be denied, and it is so ordered.

Muskogee, Indian Territory,

  
\_\_\_\_\_  
Commissioner.

Gr.No.703.

Muskogee, Indian Territory, June 26, 1906.

Joe Harrison,

Gatesville, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.  
(14) 6-26-259.

Chairman.

Muskogee, Indian Territory, June 26, 1905.

M. J. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Joe Harrison as a Creek Freedman, concerning said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be soon known to you as soon as the Commission is informed of the same.

Respectfully,

IV-6-26-261.

Chairman.

Muskogee, Indian Territory, June 26, 1905.

Wolfenberger & Jenkins,

Attorneys for Joe Harrison,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Joe Harrison as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

12-6-26-260.

Or. No. 703.

Muskogee, Indian Territory, June 26, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Joe Harrison as a Creek Freedman, including the decision of the Commission, dated June 14, 1906.

Respectfully,

Through the

Commissioner of Indian Affairs.

Chairman.

IM-6-26-262.

✓ A#703  
DEPARTMENT OF THE INTERIOR

Washington

August 18, 1908

I T D 8600-1908

The Commissioner to the Five Civilized Tribes,  
Muskogee, Ind. Ter.

Sir:

For use in the adjudication of the application of Joe Harrison, alias Joseph Crow, for his enrollment as a Creek freedman, you are requested to advise the Department at the earliest practicable date, whether or not the name of Joseph Crow appears upon any of the Creek tribal rolls in your possession and whether or not the name of Joe Harrison or Joseph Crow appears upon any Cherokee tribal roll in your possession.

Respectfully,

Thos Ryan  
Acting Secretary



Cr. No. 703.

McAlester, Indian Territory, August 22, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is acknowledged of the Department's communication of August 14, 1908 (I.T.D. 8600-1908), asking if the name Joseph Crow appears upon any of the Creek tribal rolls in the possession of this office and whether or not the name Joe Harrison or Joseph Crow appears upon any Cherokee tribal roll.

In reply to said communication I have the honor to report that the tribal rolls of the Creek and Cherokee Nations in the possession of this office have been carefully examined and that the name of Joe Harrison or Joseph Crow does not appear on any of said rolls.

Respectfully,

W. C. C. of Indian Affairs.

Commissioner.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,  
WASHINGTON, October 12, 1906.

The Secretary of the Interior,

Sir:

I received by reference of September 12, 1906, with request for opinion thereon, the record in case of Joe Harrison for enrollment as a Creek freedman. My attention is directed to article 2 of the treaty proclaimed August 11, 1866 (14 Stat., 785), and to my opinion of March 20, 1905, in case of Susie Jackson, wherein there is stated to have been an error in stating the time of her birth as 1871, instead of 1861.

Article II of the treaty, supra, provides that:

inasmuch as there are among the Creeks many persons of African descent, who have no interest in the soil, it is stipulated that hereafter these persons, lawfully residing in said Creek country, under their laws and usages, or who have been thus residing in said country, and may return within one year from the ratification of this treaty, and their descendants and such others of the same race as may be permitted by the laws of said Nation to settle within the limits of the jurisdiction of the Creek Nation as citizens (thereof), shall have and enjoy all the rights and privileges of native citizens, including an equal interest in the soil and national funds.

The finding and decision of the Commission was:

The record in this case shows that on August 24, 1904, Joe Harrison appeared before the Commission at Muscogee, Indian Territory, and made application for enrollment as a Creek freedman. Further proceedings were had August 25, and November 17, 1904.

The evidence shows that said Joe Harrison was fifty six years old at the date of the application herein, and that his name did not appear on the roll of Creek freedmen made by J.W.Dunn prior to March 14, 1867.

The evidence further shows that the applicant has never been enrolled as a citizen of the Creek Nation, nor has he ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of this Commission that there is no authority of law for the enrollment of said Joe Harrison as a Creek freedman and that the application for his enrollment as such should be denied, and it is so ordered.

It is evident from the action of the Commission that it deemed itself precluded from considering any but three classes of freedmen applicants: (1) Those identified upon the J.W.Dunn roll made prior to March 14, 1857. (2) Admitted by the tribal councils or commissions; (3) by United States authorities, the Commission to the Five Civilized Tribes, or by the courts on appeal therefrom. It is clear that the Commission considered itself without authority to act upon or to weigh the evidence of the claimant and of Paro Bruner, an old citizen and officer of the Creek Nation for thirty years, who testified to knowing the applicant and his residence in the nation since March 1866 and of the Creek usage and custom. In this the Commission erred. In my opinion in the case of Dan Campbell, December 27, 1903, I showed that section 28 of the act of March 1, 1901, (31 Stat., 869-70), directs the Commission to enroll:

All citizens who were living on the first day of April, eighteen hundred and ninety nine, entitled to be enrolled under section twenty one of the act of Congress approved June twenty eight, eighteen hundred and ninety eight.

That section requires the Commission to enroll (1) all persons now (then) ~~in~~ whose names are found on said (J.W.Dunn) rolls, (2) and all ~~of~~ <sup>persons</sup> born since the date of said roll to persons whose names are found thereon, (3) with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation.

Article II of the treaty, above quoted, stipulated that (1) persons of African descent, then lawfully residing in the Creek country, under their laws and usages; (2) those who had been so residing and should return within one year after ratification of

the treaty (3) the descendants of these classes; (4) such others of the African race as may be permitted by the laws of the Creek Nation to settle within its jurisdiction as citizens--"shall have and enjoy all the rights and privileges of native citizens."

If Harrison was lawfully residing in the Creek country before ratification of the treaty, and was there at that date or returned there within a year thereafter, he became a Creek citizen by force of the treaty, and was one who thereby had been "rightfully admitted by the lawful authorities of the Creek Nation," and was by the act of June 28, 1898, required to be enrolled by the Commission. So far as the evidence goes, it indicates that Harrison was lawfully residing in the Creek country from and prior to ratification of the treaty and had thereafter so resided for more than forty years, with exception of a period about or during the war of the rebellion. The Commission identify a Rachel Harrison as borne on a partial list of Creek freedmen, approved March 28, 1902, but nothing in the record shows whether he was his wife, mother, daughter, former owner, or was in any wise connected to him. Forty years continued residence, occupation and cultivation of communal lands without question of his right, are circumstances of very great evidential cogency, if not conclusive, in determining the lawfulness of his residence in the country and of his being entitled to citizenship by virtue of the treaty. Nothing in the act of June 28, 1898, deprived him of right to enrollment because of omission from the Dunn roll and tribal rolls, and the Commission should have considered his case under the act of 1898. As the Commission proceeded under a misconception of its powers

and without consideration of the evidence of the applicant's right to enrollment under the treaty, I am of the opinion that it should be returned to the present commissioner for his reconsideration, with leave to the applicant and the nation to offer any further proof pertinent to the merits.

The letter of reference directs my attention also to the case of Susie Jackson, subject to my opinion of March 20, 1905, and states that the record in her case shows that she was born in 1862 instead of "about 1871" as stated in my opinion, and that she had never been out of the Territory. As there was clear error of fact as to the age of Susie Jackson, in statement of her birth after the treaty, whereas it appears that she was born prior to August 11, 1866, her case is governed by the same principles as that of Harrison and should take the same course.

Very respectfully,

Frank L. Campbell

Assistant Attorney General

Approved Oct 12 1905

E A Hitchcock, Secretary

DEPARTMENT OF THE INTERIOR,  
I.T.D.2874,8600,13454-1905 WASHINGTON. October 24, 1905.  
LRS

LLB GR

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

June 26, 1905 the Commission to the Five Civilized Tribes transmitted the record of the application of Joe Harrison for his enrollment as a Creek freedman, including the decision of the Commission dated June 14, 1905, adverse to the applicant.

July 18, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission adverse to the applicant be affirmed. A copy of his letter is enclosed.

September 12, 1905 (I.T.D.8600), the Department referred the record in said case to the Assistant Attorney General for this Department with request for his opinion thereon, and calling attention to an error in his opinion of March 20, 1905, in the matter of the enrollment of Susie Jackson as a Creek freedman, wherein it is stated that applicant was born about 1871 in the Creek Nation, whereas the record shows the date of her birth to have been 1861, or before the taking of the Dunn roll, and not 1871, after the Dunn Roll was taken.

In accordance with an approved opinion of the Assistant Attorney General for this Department dated October 12, 1905 (I.T.D.13454), the record in the matter of the application of Joe Harrison for his enrollment as a Creek freedman is hereby remanded to you for your reconsideration "with leave to the

applicant and the nation to offer any further proof pertinent to the merits."

The record in the aforesaid case of Susie Jackson " governed by the same principles as that of Harrison" will be forwarded to you by the Indian Office" and should take the same course" as the Joe Harrison case.

Departmental decision dated March 25, 1905(I.T.D.2874) , affirming the decision of the Commission dated January 7, 1905, denying the application of Susie Jackson for her enrollment as a Creek freedman is hereby vacated.

Respectfully,

E A Hitchcock

Secretary

1 inclosure



*W.H.*  
*This communication  
is forwarded to (217)*  
DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Or En 703  
Or En 793

The Honorable,

The Secretary of the Interior.

Sir:

October 24, 1905 (I.T.D.2874-8600-13454-1905), the Department remanded for readjudication, in accordance with the opinion of the Assistant Attorney General of October 12, 1905, the cases of Joe Harrison and Susie Jackson, in both of which cases the Commission to the Five Civilized Tribes had heretofore rendered decisions denying the applications for enrollment as Creek Freedmen.

In view of the vast interests affected by the ruling of the Assistant Attorney General and the Department in these cases, and because said ruling places an interpretation on the provisions of section 28 of the act of March 1, 1901 (31 Stats., 861) entirely at variance with that under which the Commission to the Five Civilized Tribes worked during the more than four years that have elapsed since the passage of the act, I deem it expedient to direct the attention of the Department to a portion of the act of March 1, 1901, which appears to have been overlooked in the opinion of the Assistant Attorney General in these cases, and to the previous legislation on the subject of the enrollment of

Secretary 2.

citizens of the Creek Nation," which caused the Commission to adopt the interpretations under which it has worked.

The Assistant Attorney General, in his opinion in the Harrison case, states:

"If Harrison was lawfully residing in the Creek country before the ratification of the treaty and was there at that time or returned there within a year thereafter, he became a Creek citizen by force of the treaty, and was one who thereby had been rightfully admitted by the lawful authorities of the Creek Nation."

In arriving at the meaning of an act of Congress dealing with a condition of affairs so new that precedents are not to be found in the reports of the courts of the country, it becomes necessary to examine the causes leading up to the passage of the act in question, the objects sought to be obtained by it and the earlier legislation which it was designed to supplement or succeed.

Article 2 of the treaty of 1866 stipulated that--

1. Persons of African descent, then lawfully residing in the Creek Nation, under their laws and usages;
2. Those who had been so residing and should return within one year after the ratification of the treaty;
3. The descendants of those classes;
4. Such other persons of African descent as may be permitted by the laws of the Creek Nation to settle within its jurisdiction as citizens 'shall have and enjoy all the rights and privileges of native citizens'".

For the purpose of ascertaining who were entitled to participate in the benefits conferred by Article 2 of the treaty and

Secretary 3.

in certain other benefits conferred by Article 3, Article 4 provides as follows:

"A census of the Creeks shall be taken by the Agent of the United States for said nation, under the direction of the Secretary of the Interior, and a roll of the names of all soldiers that enlisted in the regular army, loyal refugee Indians and Freedmen be made by him."

It has always been apparent that the roll of Creek Freedmen made by J. W. Dunn, in accordance with the provisions of Article 4 of the treaty of 1866, was necessarily incomplete. Practically all the freedmen, then as now, were not only illiterate but lacked even the ordinary intelligence with which superior races are endowed; means of communication were poor; and, doubtless, many who should have been enrolled were not aware that such a roll was being made. During the time between the years 1867 and 1896 the Creek Nation, by acts of its National Council, recognized the rights of many Freedmen and other persons of African descent under the provisions of Article 2 of the treaty of 1866 and admitted them to citizenship in the Creek Nation. By an act of the Council passed prior to 1863, the Creeks opened their Courts to all persons of African descent who desired to prove up their claims to citizenship under the treaty of 1866. Before each per capita payment commissions were appointed which added the names

Secretary 4.

of Freedmen and others to the tribal rolls. For twenty-nine years the door was open and there yet remained many whose rights had not been passed upon.

In 1896 both Congress and the Creek Nation apparently realized that the time had come to bring to some kind of order the chaotic question of citizenship and to reduce, once and for all, the shadow of right into the substance of fact. To accomplish this end, not only the Freedmen but also those claiming Indian blood were given a final "day in court."

The act of June 10, 1896 (29 Stats., 321), provides:

"That said Commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after said hearing they shall determine the right of said applicant to be so admitted and enrolled: Provided, however, That such application shall be made to such commissioners within three months after the passage of this act. The said Commission shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said Commission shall respect all laws of the several nations or tribes, not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes: And provided further, That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months

Secretary 5.

from and after the passage of this act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

In the performance of such duties said Commission shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers, and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong, and rolls so prepared by them shall be hereafter held to be the true and correct roll of persons entitled to the rights of citizenship in said several tribes: Provided, That if the tribe, or any person, be aggrieved with the decision of the tribal authorities or the Commission provided for in this act, it or he may appeal from such decision to the United States district court: Provided, however, That the appeal shall be taken within sixty days and the judgment of the court shall be final.

That the said Commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this act and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States courts, as provided herein."

While the Commission to the Five Civilized Tribes was acting under the provisions of law above quoted, another Commission, known as the "Colbert Commission," created by an act of the Creek

Secretary 6.

Council, was performing a similar function for the Creeks themselves. Upon the expiration of the time limited by the provisions of the act of June 10, 1896, the authority of both the Commission to the Five Civilized Tribes and of the Creeks themselves to determine the right of any one to citizenship in the Creek Nation ceased to exist and subsequent legislation conferred upon the Commission merely the power to determine the fact of citizenship and to enroll and allot not those who formerly had some right to citizenship in the Creek Nation, but those who were in fact citizens of said Nation.

Section 21 of the act of Congress of June 28, 1898 (30 Stats., 495), provides:

"The roll of Creek freedmen made by J. W. Dunn, under authority of the United States, prior to March fourteenth, eighteen hundred and sixty-seven, is hereby confirmed, and said Commission is directed to enroll all persons now living whose names are found on said rolls, and all descendants born since the date of said roll to persons of whose names are found thereon, with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation."

In determining what persons come within the meaning of the clause 'with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation' the Commission has assumed that Congress intended this

Secretary 7.

act to be consistent with former legislation, and has considered those 'admitted by the lawful authorities of the Creek Nation' to be those persons contained in the 'rolls of citizenship' of the tribe, as defined by Congress in the act of June 7, 1897, to wit: Persons whose names appear 'on the last authenticated rolls of each tribe which have been approved by the Council of the Nation and the descendants of those appearing on such rolls, and such additional names and their descendants as have been subsequently added either by the Council of such Nation, the duly authorized courts thereof, or the Commission under the act of June 10, 1896.'

This construction of the act of June 28, 1898, was, in substance, embodied in the act of May 31, 1900, which provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law, but it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

The act of March 1, 1901, in effect restores the provisions of the act of June 28, 1898, but with an important limitation hereinafter referred to. Interpreting section 21 of the act of June 28, 1898, as the Commission did interpret it, the only effect



Secretary 8.

of the act of March 1, 1901, was to enlarge the act of May 31, 1900, by adding the children of persons entitled to be enrolled under the provisions of the act of June 28, 1898.

But whether the Commission was right in its interpretation of the act of June 28, 1898, or whether it was wrong in so interpreting it, its interpretation of the act of March 1, 1901, is not necessarily changed. For the opening paragraph of section 28 of March 1, 1901, which paragraph has not been referred to in the opinion of the Assistant Attorney General, appears to bar any broader interpretation than the one set forth above and always given to this section by the Commission to the Five Civilized Tribes. Paragraph 1 of section 28 provides:

"No person, except as hereinafter provided, shall be added to the rolls of citizenship of said tribe after the date of this agreement and no person whomsoever shall be added to said rolls after the ratification of this agreement."

The rolls of citizenship to which 'no person whomsoever shall be added after the ratification of this agreement' have been defined by Congress to be persons whose names appear on the last authenticated rolls of each tribe which have been approved by the Council of the Nation and the descendants of those appearing on such rolls, and such additional names and their descendants as have been subsequently added, either by the Council of such

Secretary 9.

nation, the duly authorized courts thereof, or the Commission under the act of June 10, 1896.'

I am, therefore, of the opinion that there is no authority of law for the enrollment of one whose enrollment as a citizen of the Creek Nation would be an addition to the rolls of citizenship of said Nation as this phrase is defined by the act of Congress of June 7, 1897, hereinabove referred to.

Section 3 of a bill now pending before Congress, entitled "A Bill To provide for final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," provides:

"That the approved roll of the Creek freedmen shall include only those persons whose names appear on the roll prepared by J. W. Dunn, under authority of the United States prior to March fourteenth, eighteen hundred and sixty-seven, and their descendants, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the promulgation of the treaty of June fourteenth, eighteen hundred and sixty-six, and their descendants, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior."

In the event, therefore, that the Department does not concur in the interpretation set out in this report of the existing laws applicable to this case, I have the honor to recommend that action on this and similar cases be withheld until final action

Secretary 10

has been had by Congress on the bill above referred to, section 3 of which is apparently designed to dispose of all such cases.

The records in the cases of Joe Harrison and Susie Jackson are herewith enclosed.

Respectfully,

Commissioner.

Through the  
Commissioner of Indian Affairs.

JYM-K-8

Muskogee, Indian Territory, July 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

October 24, 1905 (I.T.D.2874-8600-13454-1905),  
the Department remanded for readjudication, in accordance  
with the opinion of the Assistant Attorney General of  
October 12, 1905, the cases of Joe Harrison and Susie  
Jackson, in both of which cases the Commission to the  
Five Civilized Tribes had heretofore rendered decisions  
denying their applications for enrollment as Creek  
freedmen.

Section 3 of the act of Congress approved  
April 26, 1906, provides in part as follows:

" That the approved roll of Creek freedmen  
shall include only those persons whose names  
appear on the roll prepared by J. W. Dunn,  
under authority of the United States prior to  
March fourteenth, eighteen hundred and sixty  
seven, and their descendants born since said

Secretary 2.

roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of said roll, and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior."

The Assistant Attorney General for the Department in an approved opinion, dated May 31, 1906, in the matter of the application of Prissie Carruthers for enrollment as a freedman citizen of the Creek Nation, (a case analogous to those of Joe Harrison and Susie Jackson), referring to the above provision of law, states: "Congress has now made the Dunn roll final and conclusive as to all applicants of this class, whose enrollment has not been approved by the Secretary of the Interior."

Decisions in said cases prepared in accordance with the provisions of law above quoted, together with records in same are herewith inclosed.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Commissioner.

AG-8

Cr. No. 703.

Muskogee, Indian Territory, February 8, 1907.

Joe Harrison,  
Gatesville, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of January 24, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for your enrollment, as a Creek Freedman, denying said application.

Respectfully,

Commissioner.

Cr.Mn.703.

Muskogee, Indian Territory, February 8, 1907.

M. L. Hott,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Department under date of January 24, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Joe Harrison, as a Creek Freedman, denying said application.

Respectfully,

Commissioner.



END  
OF  
ROLL

